



General Assembly

**Substitute Bill No. 5525**

February Session, 2006

\* \_\_\_\_\_ HB05525GAE \_\_\_\_\_ 042606 \_\_\_\_\_ \*

**AN ACT ESTABLISHING AN ENERGY AND TECHNOLOGY  
AUTHORITY.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 4-5 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2006*):

3 As used in sections 4-6, 4-7, as amended, and 4-8, the term  
4 "department head" means Secretary of the Office of Policy and  
5 Management, Commissioner of Administrative Services,  
6 Commissioner of Revenue Services, Banking Commissioner,  
7 Commissioner of Children and Families, Commissioner of Consumer  
8 Protection, Commissioner of Correction, Commissioner of Economic  
9 and Community Development, State Board of Education,  
10 Commissioner of Emergency Management and Homeland Security,  
11 Commissioner of Energy Policy and Development, Commissioner of  
12 Environmental Protection, Commissioner of Agriculture,  
13 Commissioner of Public Health, Insurance Commissioner, Labor  
14 Commissioner, Liquor Control Commission, Commissioner of Mental  
15 Health and Addiction Services, Commissioner of Public Safety,  
16 Commissioner of Social Services, Commissioner of Mental Retardation,  
17 Commissioner of Motor Vehicles, Commissioner of Transportation,  
18 Commissioner of Public Works, Commissioner of Veterans' Affairs,  
19 Commissioner of Health Care Access, Chief Information Officer, the

20 chairperson of the [Public Utilities Control] Energy and Technology  
21 Authority, the executive director of the Board of Education and  
22 Services for the Blind and the executive director of the Connecticut  
23 Commission on Culture and Tourism.

24 Sec. 2. Subsection (a) of section 4d-90 of the 2006 supplement to the  
25 general statutes is repealed and the following is substituted in lieu  
26 thereof (*Effective July 1, 2006*):

27 (a) There is established a Geospatial Information Systems Council  
28 consisting of the following members, or their designees: (1) The  
29 Secretary of the Office of Policy and Management; (2) the  
30 Commissioners of Environmental Protection, Economic and  
31 Community Development, Transportation, Public Safety, Public  
32 Health, Public Works, Agriculture, Emergency Management and  
33 Homeland Security and Social Services; (3) the Chief Information  
34 Officer of the Department of Information Technology; (4) the  
35 Chancellor of the Connecticut State University system; (5) the  
36 president of The University of Connecticut; (6) the Executive Director  
37 of the Connecticut Siting Council; (7) one member who is a user of  
38 geospatial information systems appointed by the president pro  
39 tempore of the Senate representing a municipality with a population of  
40 more than sixty thousand; (8) one member who is a user of geospatial  
41 information systems appointed by the minority leader of the Senate  
42 representing a regional planning agency; (9) one member who is a user  
43 of geospatial information systems appointed by the Governor  
44 representing a municipality with a population of less than sixty  
45 thousand but more than thirty thousand; (10) one member who is a  
46 user of geospatial information systems appointed by the speaker of the  
47 House of Representatives representing a municipality with a  
48 population of less than thirty thousand; (11) one member appointed by  
49 the minority leader of the House of Representatives who is a user of  
50 geospatial information systems; (12) the chairperson of the [Public  
51 Utility Control] Energy and Technology Authority; (13) the Adjutant  
52 General of the Military Department; and (14) any other persons the  
53 council deems necessary appointed by the council. The Governor shall

54 select the chairperson from among the members. The chairperson shall  
55 administer the affairs of the council. Vacancies shall be filled by  
56 appointment by the authority making the appointment. Members shall  
57 receive no compensation for their services on said council, but shall be  
58 reimbursed for necessary expenses incurred in the performance of  
59 their duties. Said council shall hold one meeting each month and such  
60 additional meetings as may be prescribed by council rules. In addition,  
61 special meetings may be called by the chairperson or by any three  
62 members upon delivery of forty-eight hours written notice to each  
63 member.

64 Sec. 3. Section 7-244j of the 2006 supplement to the general statutes  
65 is repealed and the following is substituted in lieu thereof (*Effective July*  
66 *1, 2006*):

67 An authority shall have an annual audit of its accounts, books and  
68 records by a certified public accountant selected by such authority. A  
69 copy of the audit shall be filed in the office of the city clerk of the  
70 constituent municipality and with the [Public Utilities Control]  
71 Authority] Department of Public Utility Control, and shall be available  
72 for public inspection during the ordinary business hours of such  
73 authority at the principal office of such authority.

74 Sec. 4. Section 7-244k of the 2006 supplement to the general statutes  
75 is repealed and the following is substituted in lieu thereof (*Effective July*  
76 *1, 2006*):

77 Neither the [Public Utilities Control Authority] Department of  
78 Public Utility Control nor any successor board or commissioner shall  
79 have jurisdiction of any kind over an authority, or the rates fixed or  
80 charges collected by the authority.

81 Sec. 5. Subdivisions (1) and (2) of subsection (a) of section 16-1 of the  
82 2006 supplement to the general statutes are repealed and the following  
83 is substituted in lieu thereof (*Effective July 1, 2006*):

84 (1) ["Authority" means the Public Utilities Control Authority and

85 "department"] "Department" means the Department of Public Utility  
86 Control;

87 (2) "Commissioner" means a member of [said authority] the  
88 Department of Public Utility Control.

89 Sec. 6. Section 16-1b of the general statutes is repealed and the  
90 following is substituted in lieu thereof (*Effective July 1, 2006*):

91 [There shall be a Department of Public Utility Control. The  
92 department head shall be the chairperson of the Public Utilities  
93 Control Authority.]

94 (a) There is established an Energy and Technology Authority. The  
95 head of the authority shall be the chairperson of the Energy and  
96 Technology Authority. The Governor shall appoint the chairperson of  
97 the Energy and Technology for a four-year term, coterminous with the  
98 Governor's term, or, if said chairperson is appointed during the  
99 Governor's term, the appointment shall be for the remainder of the  
100 Governor's term. The procedure prescribed by section 4-7, as amended,  
101 shall apply to such appointment. The Energy and Technology  
102 Authority shall oversee the Department of Public Utility Control and  
103 the Department of Energy Policy and Development. The Energy and  
104 Technology Authority shall (1) increase the state's energy  
105 independence by promoting the use of diverse indigenous and  
106 regional energy resources; (2) encourage the use of new energy,  
107 telecommunications, and water technologies, particularly technologies  
108 that support economic development in the state and promote  
109 environmental sustainability; (3) minimize costs of utility services to  
110 state consumers while maintaining reliable service; (4) discourage  
111 undue price volatility of utility service; (5) encourage competition,  
112 when in the interests of state consumers; and (6) serve as an energy  
113 planning agency.

114 (b) There is established a Department of Public Utility Control. The  
115 head of the department shall be the chairperson who shall be elected  
116 pursuant to section 16-2, as amended by this act.

117     (c) There is established a Department of Energy Policy and  
118 Development. The head of the department shall be the commissioner.  
119 The Governor shall appoint the commissioner to a four-year term that  
120 is coterminous with the Governor's term, or if the commissioner is  
121 appointed during the Governor's term, the appointment shall be for  
122 the remainder of the Governor's term. The procedure prescribed by  
123 section 4-7, as amended, shall apply to such appointment.

124     Sec. 7. Section 16-2 of the general statutes is repealed and the  
125 following is substituted in lieu thereof (*Effective July 1, 2006*):

126     (a) [There shall continue to be a Public Utilities Control Authority,  
127 which] The Department of Public Utility Control shall consist of [five]  
128 six electors of this state, appointed by the Governor with the advice  
129 and consent of both houses of the General Assembly. Not more than  
130 three members of said [authority] department in office at any one time  
131 shall be members of any one political party. On or before July 1, [1983]  
132 2006, and quadrennially thereafter, the Governor shall appoint [three]  
133 two members to the [authority and on or before July 1, 1985, and  
134 quadrennially thereafter, the Governor shall appoint two members]  
135 department. All such members shall serve for a term of four years. The  
136 procedure prescribed by section 4-7, as amended, shall apply to such  
137 appointments, except that the Governor shall submit each nomination  
138 on or before May first, and both houses shall confirm or reject it before  
139 adjournment sine die. The commissioners shall be sworn to the faithful  
140 performance of their duties.

141     (b) The [authority] department shall elect a chairperson and vice-  
142 chairperson each June for one-year terms starting on July first of the  
143 same year. The vice-chairperson shall perform the duties of the  
144 chairperson in his absence.

145     (c) Any matter coming before the [authority] department may be  
146 assigned by the chairperson to a panel of three commissioners, not  
147 more than two of whom shall be members of the same political party.  
148 Except as otherwise provided by statute or regulation, the panel shall

149 determine whether a public hearing shall be held on the matter, and  
150 may designate one or two of its members to conduct such hearing or  
151 appoint an examiner to ascertain the facts and report thereon to the  
152 panel. The decision of the panel, if unanimous, shall be the decision of  
153 the [authority] department. If the decision of the panel is not  
154 unanimous, the matter shall be referred to the entire [authority]  
155 department for decision.

156 (d) The commissioners of the [authority] department shall serve full  
157 time and shall make full public disclosure of their assets, liabilities and  
158 income at the time of their appointment, and thereafter each member  
159 of the [authority] department shall make such disclosure on or before  
160 July thirtieth of each year of such member's term, and shall file such  
161 disclosure with the office of the Secretary of the State. Each  
162 commissioner shall receive annually a salary equal to that established  
163 for management pay plan salary group seventy-five by the  
164 Commissioner of Administrative Services, except that the chairperson  
165 shall receive annually a salary equal to that established for  
166 management pay plan salary group seventy-seven.

167 (e) To insure the highest standard of public utility regulation, on  
168 and after July 1, [1997] 2006, at least three of the commissioners of the  
169 [authority] department shall have education or training and three or  
170 more years of experience in one or more of the following fields:  
171 Economics, engineering, law, accounting, finance, utility regulation,  
172 public or government administration, consumer advocacy, business  
173 management, and environmental management. [On and after July 1,  
174 1997, at] At least three of these fields shall be represented on the  
175 authority by individual commissioners at all times. One of the  
176 commissioners shall have experience in utility customer advocacy.

177 (f) [The chairperson of the authority, with the consent of two or  
178 more other members of the authority, shall appoint an executive  
179 director, who shall be the chief administrative officer of the  
180 Department of Public Utility Control. The executive director shall be  
181 supervised by the chairperson of the authority, serve for a term of four

182 years and annually receive a salary equal to that established for  
183 management pay plan salary group seventy-two by the Commissioner  
184 of Administrative Services. The executive director] The chairperson of  
185 the department (1) shall conduct comprehensive planning with respect  
186 to the functions of the department; (2) shall coordinate the activities of  
187 the department; (3) shall cause the administrative organization of the  
188 department to be examined with a view to promoting economy and  
189 efficiency; (4) shall [, in concurrence with the chairperson of the  
190 authority,] organize the department into such divisions, bureaus or  
191 other units as he deems necessary for the efficient conduct of the  
192 business of the department and may from time to time abolish, transfer  
193 or consolidate within the department, any division, bureau or other  
194 units as may be necessary for the efficient conduct of the business of  
195 the department, provided such organization shall include any division,  
196 bureau or other unit which is specifically required by the general  
197 statutes; (5) shall, for any proceeding on a proposed rate amendment  
198 in which staff of the department are to be made a party pursuant to  
199 section 16-19j, as amended by this act, determine which staff shall  
200 appear and participate in the proceedings and which shall serve the  
201 members of the [authority] department; (6) may enter into such  
202 contractual agreements, in accordance with established procedures, as  
203 may be necessary for the discharge of his duties; and (7) may, subject  
204 to the provisions of section 4-32, and unless otherwise provided by  
205 law, receive any money, revenue or services from the federal  
206 government, corporations, associations or individuals, including  
207 payments from the sale of printed matter or any other material or  
208 services. The [executive director] chairperson shall require the staff of  
209 the department to have expertise in public utility engineering and  
210 accounting, finance, economics, computers and rate design. Subject to  
211 the provisions of chapter 67 and within available funds in any fiscal  
212 year, the [executive director] chairperson may appoint a secretary, and  
213 may employ such accountants, clerical assistants, engineers,  
214 inspectors, experts, consultants and agents as the department may  
215 require.

216 (g) No member of the [authority] department or employee of the  
217 department shall, while serving as such, have any interest, financial or  
218 otherwise, direct or indirect, or engage in any business, employment,  
219 transaction or professional activity, or incur any obligation of any  
220 nature, which is in substantial conflict with the proper discharge of his  
221 duties or employment in the public interest and of his responsibilities  
222 as prescribed in the laws of this state, as defined in section 1-85;  
223 provided, no such substantial conflict shall be deemed to exist solely  
224 by virtue of the fact that a member of the [authority] department or  
225 employee of the department, or any business in which such a person  
226 has an interest, receives utility service from one or more Connecticut  
227 utilities under the normal rates and conditions of service.

228 (h) No member of the [authority] department or employee of the  
229 department shall accept other employment which will either impair  
230 his independence of judgment as to his official duties or employment  
231 or require him, or induce him, to disclose confidential information  
232 acquired by him in the course of and by reason of his official duties.

233 (i) No member of the [authority] department or employee of the  
234 department shall wilfully and knowingly disclose, for pecuniary gain,  
235 to any other person, confidential information acquired by him in the  
236 course of and by reason of his official duties or employment or use any  
237 such information for the purpose of pecuniary gain.

238 (j) No member of the [authority] department or employee of the  
239 department shall agree to accept, or be in partnership or association  
240 with any person, or a member of a professional corporation or in  
241 membership with any union or professional association which  
242 partnership, association, professional corporation, union or  
243 professional association agrees to accept any employment, fee or other  
244 thing of value, or portion thereof, in consideration of his appearing,  
245 agreeing to appear, or taking any other action on behalf of another  
246 person before the [authority] department, the Connecticut Siting  
247 Council, the Office of Policy and Management, the Commissioner of  
248 Energy Policy and Development or the Commissioner of



249 Environmental Protection.

250 (k) No commissioner of the [authority] department shall, for a  
251 period of one year following the termination of his or her service as a  
252 commissioner, accept employment: (1) By a public service company or  
253 by any person, firm or corporation engaged in lobbying activities with  
254 regard to governmental regulation of public service companies; (2) by  
255 a certified telecommunications provider or by any person, firm or  
256 corporation engaged in lobbying activities with regard to  
257 governmental regulation of persons, firms or corporations so certified;  
258 or (3) by an electric supplier or by any person, firm or corporation  
259 engaged in lobbying activities with regard to governmental regulation  
260 of electric suppliers. No such commissioner who is also an attorney  
261 shall in any capacity, appear or participate in any matter, or accept any  
262 compensation regarding a matter, before the [authority] department,  
263 for a period of one year following the termination of his or her service  
264 as a commissioner.

265 Sec. 8. Subsections (b) and (c) of section 16-2a of the general statutes  
266 are repealed and the following is substituted in lieu thereof (*Effective*  
267 *July 1, 2006*):

268 (b) Except as prohibited by the provisions of section 4-181, the  
269 Office of Consumer Counsel shall have access to the records of the  
270 [Public Utilities Control] Energy and Technology Authority, [and] the  
271 Department of Public Utility Control, and the Department of Energy  
272 Policy and Development, shall be entitled to call upon the assistance of  
273 the authority's and the [department's] departments' experts, and shall  
274 have the benefit of all other facilities or information of the authority or  
275 [department] departments in carrying out the duties of the Office of  
276 Consumer Counsel, except for such internal documents, information or  
277 data as are not available to parties to the authority's proceedings. The  
278 [department] Department of Public Utility Control shall provide such  
279 space as necessary within [the] said department's quarters for the  
280 operation of the Office of Consumer Counsel, and the department shall  
281 be empowered to set regulations providing for adequate compensation

282 for the provision of such office space.

283 (c) The Office of Consumer Counsel shall be under the direction of a  
284 Consumer Counsel, who shall be appointed by the Governor with the  
285 advice and consent of either house of the General Assembly. The  
286 Consumer Counsel shall be an elector of this state and shall have  
287 demonstrated a strong commitment and involvement in efforts to  
288 safeguard the rights of the public. The Consumer Counsel shall serve  
289 for a term of five years unless removed pursuant to section 16-5. The  
290 salary of the Consumer Counsel shall be equal to that established for  
291 management pay plan salary group seventy-one by the Commissioner  
292 of Administrative Services. No Consumer Counsel shall, for a period  
293 of one year following the termination of service as Consumer Counsel,  
294 accept employment by a public service company, a certified  
295 telecommunications provider or an electric supplier. No Consumer  
296 Counsel who is also an attorney shall in any capacity, appear or  
297 participate in any matter, or accept any compensation regarding a  
298 matter, before the [Public Utilities Control] Energy and Technology  
299 Authority, for a period of one year following the termination of service  
300 as Consumer Counsel.

301 Sec. 9. Section 16-2c of the general statutes is repealed and the  
302 following is substituted in lieu thereof (*Effective July 1, 2006*):

303 There is established a Division of Adjudication within the  
304 [Department of Public Utility Control] Energy and Technology  
305 Authority. The staff of the division shall include but not be limited to,  
306 hearing examiners appointed pursuant to subsection (c) of section 16-2,  
307 as amended by this act. The responsibilities of the division shall  
308 include, but not be limited to, hearing matters assigned under said  
309 subsection and advising the chairperson of the [Public Utilities Control  
310 Authority] Department of Public Utility Control and the  
311 Commissioner of Energy Policy and Development concerning legal  
312 issues.

313 Sec. 10. Section 16-3 of the general statutes is repealed and the

314 following is substituted in lieu thereof (*Effective July 1, 2006*):

315 If any vacancy occurs in [said Public Utilities Control] the Energy  
316 and Technology Authority at any time when the General Assembly is  
317 not in session, the Governor shall appoint a commissioner to fill such  
318 vacancy until such vacancy is filled at the next session of the General  
319 Assembly. Any other vacancy shall be filled, for the unexpired portion  
320 of the term, in the manner provided in section 16-2, as amended by this  
321 act.

322 Sec. 11. Section 16-4 of the general statutes is repealed and the  
323 following is substituted in lieu thereof (*Effective July 1, 2006*):

324 No officer, employee, attorney or agent of any public service  
325 company, of any certified telecommunications provider or of any  
326 electric supplier shall be a member of the [Public Utilities Control]  
327 Energy and Technology Authority or an employee of the Department  
328 of Public Utility Control or the Department of Energy Policy and  
329 Development.

330 Sec. 12. Subsection (a) of section 16-19 of the general statutes is  
331 repealed and the following is substituted in lieu thereof (*Effective July*  
332 *1, 2006*):

333 (a) No public service company may charge rates in excess of those  
334 previously approved by the [authority or the] Department of Public  
335 Utility Control except that any rate approved by the Public Utilities  
336 Commission [or the authority] shall be permitted until amended by  
337 [the authority or] the department, that rates not approved by the  
338 [authority or the] department may be charged pursuant to subsection  
339 (b) of this section, and that the hearing requirements with respect to  
340 adjustment clauses are as set forth in section 16-19b, as amended. Each  
341 public service company shall file any proposed amendment of its  
342 existing rates with the department in such form and in accordance  
343 with such reasonable regulations as the department may prescribe.  
344 Each electric, electric distribution, gas or telephone company filing a  
345 proposed amendment shall also file with the department an estimate

346 of the effects of the amendment, for various levels of consumption, on  
347 the household budgets of high and moderate income customers and  
348 customers having household incomes not more than one hundred fifty  
349 per cent of the federal poverty level. Each electric and electric  
350 distribution company shall also file such an estimate for space heating  
351 customers. Each water company, except a water company that  
352 provides water to its customers less than six consecutive months in a  
353 calendar year, filing a proposed amendment, shall also file with the  
354 department a plan for promoting water conservation by customers in  
355 such form and in accordance with a memorandum of understanding  
356 entered into by the department pursuant to section 4-67e. Each public  
357 service company shall notify each customer who would be affected by  
358 the proposed amendment, by mail, at least one week prior to the  
359 public hearing thereon, that an amendment has been or will be  
360 requested. Such notice shall also indicate (1) the Department of Public  
361 Utility Control telephone number for obtaining information  
362 concerning the schedule for public hearings on the proposed  
363 amendment, and (2) whether the proposed amendment would, in the  
364 company's best estimate, increase any rate or charge by twenty per  
365 cent or more, and, if so, describe in general terms any such rate or  
366 charge and the amount of the proposed increase, provided no such  
367 company shall be required to provide more than one form of the notice  
368 to each class of its customers. In the case of a proposed amendment to  
369 the rates of any public service company, the department shall hold a  
370 public hearing thereon, except as permitted with respect to interim rate  
371 amendments by subsection (d) and subsection (g) of this section, and  
372 shall make such investigation of such proposed amendment of rates as  
373 is necessary to determine whether such rates conform to the principles  
374 and guidelines set forth in section 16-19e, as amended by this act, or  
375 are unreasonably discriminatory or more or less than just, reasonable  
376 and adequate, or that the service furnished by such company is  
377 inadequate to or in excess of public necessity and convenience. The  
378 department, if in its opinion such action appears necessary or suitable  
379 in the public interest may, and, upon written petition or complaint of  
380 the state, under direction of the Governor, shall, make the aforesaid

381 investigation of any such proposed amendment which does not  
382 involve an alteration in rates. If the department finds any proposed  
383 amendment of rates to not conform to the principles and guidelines set  
384 forth in section 16-19e, as amended by this act, or to be unreasonably  
385 discriminatory or more or less than just, reasonable and adequate to  
386 enable such company to provide properly for the public convenience,  
387 necessity and welfare, or the service to be inadequate or excessive, it  
388 shall determine and prescribe, as appropriate, an adequate service to  
389 be furnished or just and reasonable maximum rates and charges to be  
390 made by such company. In the case of a proposed amendment filed by  
391 an electric, electric distribution, gas or telephone company, the  
392 department shall also adjust the estimate filed under this subsection of  
393 the effects of the amendment on the household budgets of the  
394 company's customers, in accordance with the rates and charges  
395 approved by the department. The department shall issue a final  
396 decision on each rate filing within one hundred fifty days from the  
397 proposed effective date thereof, provided it may, before the end of  
398 such period and upon notifying all parties and intervenors to the  
399 proceedings, extend the period by thirty days.

400 Sec. 13. Subsection (b) of section 16-19e of the general statutes is  
401 repealed and the following is substituted in lieu thereof (*Effective July*  
402 *1, 2006*):

403 (b) The Department of Public Utility Control shall promptly  
404 undertake a separate, general investigation of, and shall hold at least  
405 one public hearing on new pricing principles and rate structures for  
406 electric companies and for gas companies to consider, without  
407 limitation, long run incremental cost of marginal cost pricing, peak  
408 load or time of day pricing and proposals for optimizing the utilization  
409 of energy and restraining its wasteful use and encouraging energy  
410 conservation, and any other matter with respect to pricing principles  
411 and rate structures as the department shall deem appropriate. The  
412 department shall determine whether existing or future rate structures  
413 place an undue burden upon those persons of poverty status and shall  
414 make such adjustment in the rate structure as is necessary or desirable

415 to take account of their indigency. The department shall require the  
416 utilization of such new principles and structures to the extent that the  
417 department determines that their implementation is in the public  
418 interest and necessary or desirable to accomplish the purposes of this  
419 provision without being unfair or discriminatory or unduly  
420 burdensome or disruptive to any group or class of customers, and  
421 determines that such principles and structures are capable of yielding  
422 required revenues. In reviewing the rates and rate structures of electric  
423 and gas companies, the department shall take into consideration  
424 appropriate energy policies, including those of the state as expressed  
425 in subsection (c) of this section. The [authority] department shall issue  
426 its initial findings on such investigation by December 1, 1976, and its  
427 final findings and order by June 1, 1977; provided that after such final  
428 findings and order are issued, the department shall at least once every  
429 two years undertake such further investigations as it deems  
430 appropriate with respect to new developments or desirable  
431 modifications in pricing principles and rate structures and, after  
432 holding at least one public hearing thereon, shall issue its findings and  
433 order thereon.

434 Sec. 14. Subsection (a) of section 16-19j of the general statutes is  
435 repealed and the following is substituted in lieu thereof (*Effective July*  
436 *1, 2006*):

437 (a) The [Public Utilities Control] Energy and Technology Authority  
438 may require a portion of the staff of the department to be made a party  
439 to any proceeding.

440 Sec. 15. Subsection (a) of section 16-19ss of the general statutes is  
441 repealed and the following is substituted in lieu thereof (*Effective July*  
442 *1, 2006*):

443 (a) The Department of Public Utility Control may, from July 1, 2003,  
444 to January 1, 2008, inclusive, determine, by an affirmative vote of four  
445 commissioners of the [Public Utilities Control Authority] department,  
446 that (1) safe, adequate and reasonably priced electricity is not available

447 on the wholesale market; (2) additional temporary electric generation  
448 facilities will result in reductions in federally mandated congestion  
449 costs for which the ratepayers of the state are responsible; and (3) the  
450 prices and costs specified in subdivision (2) of this subsection will  
451 exceed the cost of investment in temporary electric generation  
452 facilities. Such determination shall be in writing and shall state the  
453 reasons supporting the determination.

454 Sec. 16. Subsection (b) of section 16-50j of the general statutes is  
455 repealed and the following is substituted in lieu thereof (*Effective July*  
456 *1, 2006*):

457 (b) Except for proceedings under chapter 445, this subsection and  
458 subsection (c) of this section and sections 22a-134cc, 22a-134ff and 22a-  
459 163 to 22a-163u, inclusive, the council shall consist of: (1) The  
460 Commissioner of Environmental Protection, or his designee; (2) the  
461 chairman, or his designee, of the [Public Utilities Control] Energy and  
462 Technology Authority; (3) one designee of the speaker of the House  
463 and one designee of the president pro tempore of the Senate; and (4)  
464 five members of the public, to be appointed by the Governor, at least  
465 two of whom shall be experienced in the field of ecology, and not more  
466 than one of whom shall have affiliation, past or present, with any  
467 utility or governmental utility regulatory agency, or with any person  
468 owning, operating, controlling, or presently contracting with respect to  
469 a facility, a hazardous waste facility as defined in section 22a-115, a  
470 regional low-level radioactive waste facility as defined in section 22a-  
471 163a or ash residue disposal area.

472 Sec. 17. Subsection (a) of section 16a-3 of the general statutes is  
473 repealed and the following is substituted in lieu thereof (*Effective July*  
474 *1, 2006*):

475 (a) There is established a Connecticut Energy Advisory Board  
476 consisting of nine members, including the Commissioner of  
477 Environmental Protection, the chairperson of the [Public Utilities  
478 Control] Energy and Technology Authority, the Commissioner of

479 Transportation, the Consumer Counsel, the Commissioner of  
480 Agriculture, and the Secretary of the Office of Policy and Management,  
481 or their respective designees. The Governor shall appoint one member,  
482 the president pro tempore of the Senate shall appoint one member, and  
483 the speaker of the House of Representatives shall appoint one member,  
484 all of whom shall serve in accordance with section 4-1a. No appointee  
485 may be employed by, or a consultant of, a public service company, as  
486 defined in section 16-1, as amended, or an electric supplier, as defined  
487 in section 16-1, as amended, or an affiliate or subsidiary of such  
488 company or supplier.

489 Sec. 18. Subsection (f) of section 16a-23t of the 2006 supplement to  
490 the general statutes is repealed and the following is substituted in lieu  
491 thereof (*Effective July 1, 2006*):

492 (f) The chairperson of the [Public Utilities Control] Energy and  
493 Technology Authority, or the chairperson's designee, the  
494 Commissioner of Social Services, or the commissioner's designee, the  
495 chairperson of the Connecticut Energy Advisory Board, and the  
496 Secretary of the Office of Policy and Management, or the secretary's  
497 designee, shall constitute a Home Heating Oil Planning Council to  
498 address issues involving the supply, delivery and costs of home  
499 heating oil and state policies regarding the future of the state's home  
500 heating oil supply. The Secretary of the Office of Policy and  
501 Management shall convene the first meeting of the council.

502 Sec. 19. Section 21a-86a of the general statutes is repealed and the  
503 following is substituted in lieu thereof (*Effective July 1, 2006*):

504 (a) On or before October 1, 1990, the Commissioner of Consumer  
505 Protection, in consultation with the Secretary of the Office of Policy  
506 and Management, the chairperson of the [Public Utilities Control  
507 Authority] Department of Public Utility Control, the State Building  
508 Inspector and the Commissioners of Public Health and Environmental  
509 Protection, shall adopt regulations in accordance with the provisions of  
510 chapter 54 establishing minimum efficiency standards for plumbing



511 fixtures and other water-using devices, as appropriate.

512 (b) The maximum water use allowed in the regulations adopted  
513 under subsection (a) of this section for showerheads, urinals, faucets  
514 and replacement aerators manufactured or sold on or after October 1,  
515 1990, shall be as follows: For showerheads, 2.5 gallons per minute; for  
516 urinals, 1.0 gallons per flush; for bathroom sinks, lavatory and kitchen  
517 faucets and replacement aerators, 2.5 gallons per minute, except that  
518 lavatories in restrooms of public facilities shall be equipped with outlet  
519 devices which limit the flow rate to a maximum of 0.5 gallons per  
520 minute. The maximum water use allowed in the regulations adopted  
521 under subsection (a) of this section for tank-type toilets, flushometer-  
522 valve toilets, flushometer-tank toilets and electromechanical hydraulic  
523 toilets manufactured or sold on or after January 1, 1992, shall be 1.6  
524 gallons per flush, unless and until equivalent standards for similar  
525 types of toilets are adopted by the American National Standards  
526 Institute, Inc.

527 (c) Notwithstanding the provisions of subsection (b) of this section,  
528 the Commissioner of Consumer Protection, after consultation with the  
529 Secretary of the Office of Policy and Management, the chairperson of  
530 the [Public Utilities Control Authority] Department of Public Utility  
531 Control, the State Building Inspector and the Commissioners of Public  
532 Health and Environmental Protection, may increase the level of  
533 efficiency for plumbing fixtures upon determination that such increase  
534 would promote the conservation of water and energy and be cost-  
535 effective for consumers who purchase and use such fixtures. Any  
536 increased efficiency standard shall be effective one year after its  
537 adoption.

538 (d) The Commissioner of Consumer Protection, in consultation with  
539 the Secretary of the Office of Policy and Management, the chairperson  
540 of the [Public Utilities Control Authority] Department of Public Utility  
541 Control, the State Building Inspector and the Commissioners of Public  
542 Health and Environmental Protection, shall adopt regulations in  
543 accordance with the provisions of chapter 54 necessary to implement

544 the provisions of sections 21a-86 to 21a-86g, inclusive. Such regulations  
545 shall provide for (1) the sale of plumbing fixtures which do not meet  
546 the standards if the commissioner determines that compliance is not  
547 feasible or an unnecessary hardship exists and (2) the sale of plumbing  
548 fixtures, including, but not limited to, antique reproduction plumbing  
549 fixtures, which do not meet the standards, provided such plumbing  
550 fixtures were in stock in a store located in the state before October 1,  
551 1990, if a showerhead, urinal, faucet or replacement aerator or before  
552 January 1, 1992, if a tank-type toilet, flushometer-valve toilet,  
553 flushometer-tank toilet or electromechanical hydraulic toilet.

554 Sec. 20. Subsection (a) of section 21a-86c of the general statutes is  
555 repealed and the following is substituted in lieu thereof (*Effective July*  
556 *1, 2006*):

557 (a) The Commissioner of Consumer Protection, in consultation with  
558 the Secretary of the Office of Policy and Management, the chairperson  
559 of the [Public Utilities Control Authority] Department of Public Utility  
560 Control, the State Building Inspector and the Commissioners of Public  
561 Health and Environmental Protection, shall establish procedures for  
562 testing the efficiency of plumbing fixtures offered for retail sale if such  
563 procedures are not established in the State Building Code adopted  
564 pursuant to section 29-252.

565 Sec. 21. Subsection (a) of section 22a-66k of the general statutes is  
566 repealed and the following is substituted in lieu thereof (*Effective July*  
567 *1, 2006*):

568 (a) Each electric distribution company, as defined in section 16-1, as  
569 amended, shall submit a utilities pesticide management plan to the  
570 Commissioner of Environmental Protection for approval with the  
571 concurrence of the [Public Utilities Control] Energy and Technology  
572 Authority. A plan shall be revised at such time as the electric company  
573 filing the plan or the commissioner determines provided such plan  
574 shall be revised not less than once every five years.

575 Sec. 22. Subsection (f) of section 22a-198 of the general statutes is

576 repealed and the following is substituted in lieu thereof (*Effective July*  
577 *1, 2006*):

578 (f) The Commissioner of Environmental Protection, in consultation  
579 with the chairperson of the [Public Utilities Control] Energy and  
580 Technology Authority, may suspend the prohibition of subsection (b)  
581 of this section for a Title IV source if it is determined that the  
582 application of the prohibition established under subsection (b) of this  
583 section adversely affects the ability to meet the reliability standards, as  
584 defined by the New England Power Pool or its successor organization,  
585 and the suspension thereof is intended to mitigate such reliability  
586 problems. The Commissioner of Environmental Protection, in  
587 consultation with the chairperson of the [Public Utilities Control]  
588 Energy and Technology Authority, shall specify in writing the reasons  
589 for such suspension and the period of time that such suspension shall  
590 be in effect and shall provide notice of such suspension at the time of  
591 issuance, or the next business day, to the joint standing committees of  
592 the General Assembly having cognizance of matters relating to the  
593 environment and energy and technology. No such waiver shall last  
594 more than thirty days. The commissioner may reissue additional  
595 waivers for such source after said initial waiver has expired. Within  
596 ten days of receipt of the commissioner's notice of suspension, the  
597 committees having cognizance of matters relating to the environment  
598 and energy and technology may hold a joint public hearing and  
599 meeting of the committees to either modify or reject the  
600 commissioner's suspension by a majority vote. If the committees do  
601 not meet, the commissioner's suspension shall be deemed approved.

602 Sec. 23. Subsection (b) of section 22a-354i of the general statutes is  
603 repealed and the following is substituted in lieu thereof (*Effective July*  
604 *1, 2006*):

605 (b) In adopting such regulations, the commissioner shall consider  
606 the guidelines for aquifer protection areas recommended in the report  
607 prepared pursuant to special act 87-63, as amended, and shall avoid  
608 duplication and inconsistency with other state or federal laws and

609 regulations affecting aquifers. The regulations shall be developed in  
610 consultation with an advisory committee appointed by the  
611 commissioner. The advisory committee shall include the  
612 Commissioners of Public Works and Public Health and the  
613 chairperson of the [Public Utilities Control Authority] Department of  
614 Public Utility Control, or their designees, members of the public, and  
615 representatives of businesses affected by the regulations, agriculture,  
616 environmental groups, municipal officers and water companies.

617       Sec. 24. Section 22a-354w of the general statutes is repealed and the  
618 following is substituted in lieu thereof (*Effective July 1, 2006*):

619       The Commissioner of Environmental Protection, in consultation  
620 with the Commissioner of Public Health and the chairperson of the  
621 [Public Utilities Control Authority] Department of Public Utility  
622 Control, shall prepare guidelines for acquisition of lands surrounding  
623 existing or proposed public water supply well fields. In preparing such  
624 guidelines the commissioner shall consider economic implications for  
625 mandating land acquisition including, but not limited to, the effect on  
626 land values and the ability of small water companies to absorb the cost  
627 of acquisition.

628       Sec. 25. Subsection (d) of section 22a-371 of the general statutes is  
629 repealed and the following is substituted in lieu thereof (*Effective July*  
630 *1, 2006*):

631       (d) Upon notifying the applicant in accordance with subsection (c)  
632 of this section that the application is complete, the commissioner shall  
633 immediately provide notice of the application and a concise  
634 description of the proposed diversion to the Governor, the Attorney  
635 General, the speaker of the House of Representatives, the president pro  
636 tempore of the Senate, the Secretary of the Office of Policy and  
637 Management, the Commissioners of Public Health and Economic and  
638 Community Development, the chairperson of the [Public Utility  
639 Control Authority] Department of Public Utility Control, chief  
640 executive officer and chairmen of the conservation commission and

641 wetlands agency of the municipality or municipalities in which the  
642 proposed diversion will take place or have effect, and to any person  
643 who has requested notice of such activities.

644 Sec. 26. Section 25-32b of the general statutes is repealed and the  
645 following is substituted in lieu thereof (*Effective July 1, 2006*):

646 The Commissioner of Public Health, in consultation with the  
647 Commissioner of Environmental Protection and the [Public Utilities  
648 Control Authority] chairperson of the Department of Public Utility  
649 Control, may declare a public drinking water supply emergency upon  
650 receipt of information that a public water supply emergency exists or  
651 is imminent. Notwithstanding any other provision of the general  
652 statutes or regulations adopted thereunder, or special act or municipal  
653 ordinance, the Commissioner of Public Health may authorize or order  
654 the sale, supply or taking of any waters, including waters into which  
655 sewage is discharged, or the temporary interconnection of water mains  
656 for the sale or transfer of water among water companies. The [Public  
657 Utilities Control Authority] Department of Public Utility Control shall  
658 determine the terms of the sale of any water sold pursuant to this  
659 section if the water companies that are party to the sale cannot  
660 determine such terms or if one of such water companies is regulated  
661 by the authority. The authorization or order may be implemented  
662 prior to such determination. Any authorization or order shall be for an  
663 initial period of not more than thirty days but may be extended for  
664 additional periods of thirty days up to one hundred fifty days,  
665 consistent with the contingency procedures for a public drinking water  
666 supply emergency in the plan approved pursuant to section 25-32d, as  
667 amended by this act, to the extent the Commissioner of Public Health  
668 deems appropriate. Upon request by the Commissioner of Public  
669 Health, the Commissioner of Environmental Protection, pursuant to  
670 section 22a-378, shall suspend a permit issued pursuant to section 22a-  
671 368 or impose conditions on a permit held pursuant to said section.  
672 The time for such suspension or conditions shall be established in  
673 accordance with subdivision (1) of subsection (a) of section 22a-378. As  
674 used in this section and section 22a-378, "public drinking water supply

675 emergency" includes the contamination of water, the failure of a water  
676 supply system or the shortage of water.

677 Sec. 27. Section 25-32d of the general statutes is repealed and the  
678 following is substituted in lieu thereof (*Effective July 1, 2006*):

679 (a) Each water company, as defined in section 25-32a, and supplying  
680 water to one thousand or more persons or two hundred fifty or more  
681 consumers and any other water company as defined in said section  
682 requested by the Commissioner of Public Health shall submit a water  
683 supply plan to the Commissioner of Public Health for approval with  
684 the concurrence of the Commissioner of Environmental Protection. The  
685 concurrence of the [Public Utilities Control Authority] chairperson of  
686 the Department of Public Utility Control shall be required for approval  
687 of a plan submitted by a water company regulated by the authority.  
688 The Commissioner of Public Health shall consider the comments of the  
689 [Public Utilities Control Authority] Department of Public Utility  
690 Control on any plan which may impact any water company regulated  
691 by the [authority] Department of Public Utility Control. The  
692 Commissioner of Public Health shall distribute a copy of the plan to  
693 the Commissioner of Environmental Protection and the [Public  
694 Utilities Control Authority] chairperson of the Department of Public  
695 Utility Control. A copy of the plan shall be sent to the Secretary of the  
696 Office of Policy and Management for information and comment. A  
697 plan shall be revised at such time as the water company filing the plan  
698 or the Commissioner of Public Health determines or at intervals of not  
699 less than three years nor more than five years after the date of initial  
700 approval.

701 (b) Any water supply plan submitted pursuant to this section shall  
702 evaluate the water supply needs in the service area of the water  
703 company submitting the plan and propose a strategy to meet such  
704 needs. The plan shall include: (1) A description of existing water  
705 supply systems; (2) an analysis of future water supply demands; (3) an  
706 assessment of alternative water supply sources which may include  
707 sources receiving sewage and sources located on state land; (4)

708 contingency procedures for public drinking water supply emergencies,  
709 including emergencies concerning the contamination of water, the  
710 failure of a water supply system or the shortage of water; (5) a  
711 recommendation for new water system development; (6) a forecast of  
712 any future land sales, an identification which includes the acreage and  
713 location of any land proposed to be sold, sources of public water  
714 supply to be abandoned and any land owned by the company which it  
715 has designated, or plans to designate, as class III land; (7) provisions  
716 for strategic groundwater monitoring; (8) an analysis of the impact of  
717 water conservation practices and a strategy for implementing supply  
718 and demand management measures; and (9) on and after January 1,  
719 2004, an evaluation of source water protection measures for all sources  
720 of the water supply, based on the identification of critical lands to be  
721 protected and incompatible land use activities with the potential to  
722 contaminate a public drinking water source.

723 (c) For security and safety reasons, procedures for sabotage  
724 prevention and response shall be provided separately from the water  
725 supply plan as a confidential document to the Department of Public  
726 Health. Such procedures shall not be subject to disclosure under the  
727 Freedom of Information Act, as defined in section 1-200. Additionally,  
728 procedures for sabotage prevention and response that are established  
729 by municipally-owned water companies shall not be subject to  
730 disclosure under the Freedom of Information Act, as defined in section  
731 1-200.

732 (d) The Commissioner of Public Health, in consultation with the  
733 Commissioner of Environmental Protection and the [Public Utilities  
734 Control Authority] chairperson of the Department of Public Utility  
735 Control, shall adopt regulations in accordance with the provisions of  
736 chapter 54. Such regulations shall include a method for calculating safe  
737 yield, the contents of emergency contingency plans and water  
738 conservation plans, the contents of an evaluation of source water  
739 protection measures, a process for approval, modification or rejection  
740 of plans submitted pursuant to this section, a schedule for submission  
741 of the plans and a mechanism for determining the completeness of the

742 plan. The plan shall be deemed complete if the commissioner does not  
743 request additional information within ninety days after the date on  
744 which the plan was submitted or, in the event that additional  
745 information has been requested, within forty-five days after the  
746 submission of such information, except that the commissioner may  
747 request an additional thirty days beyond the time in which the  
748 application is deemed complete to further determine completeness. In  
749 determining whether the water supply plan is complete, the  
750 commissioner may request only information that is specifically  
751 required by regulation. The Department of Environmental Protection  
752 and the Department of Public Utility Control, in the case of any plan  
753 which may impact any water company regulated by that agency, shall  
754 have ninety days upon notice that a plan is deemed complete to  
755 comment on the plan.

756 (e) Any water company, when submitting any plan or revision or  
757 amendment of a plan after July 1, 1998, which involves a forecast of  
758 land sales, abandonment of any water supply source, sale of any lands,  
759 or land reclassification, shall provide notice, return receipt requested,  
760 to the chief elected official of each municipality in which the land or  
761 source is located, the Nature Conservancy, the Trust for Public Land  
762 and the Land Trust Service Bureau and any organization on the list  
763 prepared under subsection (b) of section 16-50c. Such notice shall  
764 specify any proposed abandonment of a source of water supply, any  
765 proposed changes to land sales forecasts or any land to be designated  
766 as class III land in such plan. Such notice shall specify the location and  
767 acreage proposed for sale or reclassification as class III land and  
768 identify sources to be abandoned and shall be provided no later than  
769 the date of submission of such plan or revision. Such notice shall  
770 indicate that public comment on such plan or revision shall be received  
771 by the Commissioners of Public Health and Environmental Protection  
772 not later than sixty days after the date of notice. The Commissioner of  
773 Public Health shall take such comment into consideration in making  
774 any determination or approval under this section.

775 Sec. 28. Section 25-32i of the general statutes is repealed and the



776 following is substituted in lieu thereof (*Effective July 1, 2006*):

777       There is created a Residential Water-Saving Advisory Board to  
778 advise the Commissioner of Public Health on educational materials or  
779 information on water conservation. The board shall consist of eight  
780 members as follows: The Commissioners of Environmental Protection  
781 and Public Health, the Secretary of the Office of Policy and  
782 Management, the chairperson of the [Public Utilities Control  
783 Authority] Department of Public Utility Control, and the Consumer  
784 Counsel, or their respective designees; a representative of a small  
785 investor-owned water company, who shall be appointed by the  
786 minority leader of the Senate; a representative of a large investor-  
787 owned water company, who shall be appointed by the minority leader  
788 of the House of Representatives; and a representative of a municipal or  
789 regional water authority, who shall be jointly appointed by the  
790 president pro tempore of the Senate and the speaker of the House of  
791 Representatives. The Governor shall designate the chairman of the  
792 board.

793       Sec. 29. Subsection (a) of section 25-33o of the general statutes is  
794 repealed and the following is substituted in lieu thereof (*Effective July*  
795 *1, 2006*):

796       (a) The chairperson of the [Public Utility Control Authority]  
797 Department of Public Utility Control, or the chairperson's designee,  
798 the Commissioner of Environmental Protection, or the commissioner's  
799 designee, the Secretary of the Office of Policy and Management, or the  
800 secretary's designee, and the Commissioner of Public Health, or the  
801 commissioner's designee, shall constitute a Water Planning Council to  
802 address issues involving the water companies, water resources and  
803 state policies regarding the future of the state's drinking water supply.  
804 [The chairperson of the Public Utility Control Authority shall convene  
805 the first meeting of the council.]

806       Sec. 30. Section 25-157 of the general statutes is repealed and the  
807 following is substituted in lieu thereof (*Effective July 1, 2006*):

808 Notwithstanding any other provision of the general statutes, no  
809 state agency, including, but not limited to, the Department of  
810 Environmental Protection and the Connecticut Siting Council, shall  
811 consider or render a final decision for any applications relating to  
812 electric power line crossings, gas pipeline crossings or  
813 telecommunications crossings of Long Island Sound that have required  
814 or will require a certificate issued pursuant to section 16-50k, as  
815 amended, or approval by the Federal Energy Regulatory Commission  
816 including, but not limited to, electrical power line, gas pipeline or  
817 telecommunications applications that are pending or received after  
818 June 3, 2002, for a period of three years after June 3, 2002. Such  
819 moratorium shall not apply to applications relating solely to the  
820 maintenance, repair or replacement necessary for repair of electrical  
821 power lines, gas pipelines or telecommunications facilities currently  
822 used to provide service to customers located on islands or peninsulas  
823 off the Connecticut coast or harbors, embayments, tidal rivers, streams  
824 or creeks. An applicant may seek a waiver of such moratorium by  
825 submitting a petition to the following: The chairpersons and ranking  
826 members of the joint standing committees of the General Assembly  
827 having cognizance of matters relating to energy and the environment,  
828 the chairman of the Connecticut Siting Council, the chairperson of the  
829 [Public Utilities Control] Energy and Technology Authority, the  
830 Commissioner of Environmental Protection, and any other state  
831 agency head with jurisdiction over the subject of the petition. Such  
832 persons may grant a petition for a waiver by unanimous consent.  
833 Nothing in section 16-244j, this section or sections 25-157a to 25-157c,  
834 inclusive, shall be construed to affect the project in the corridor across  
835 Long Island Sound, from Norwalk to Northport, New York, to replace  
836 the existing electric cables that cross the sound.

837 Sec. 31. Subsection (c) of section 28-24 of the 2006 supplement to the  
838 general statutes is repealed and the following is substituted in lieu  
839 thereof (*Effective July 1, 2006*):

840 (c) Within a time period determined by the commissioner to ensure  
841 the availability of funds for the fiscal year beginning July 1, 1997, to the

842 regional public safety emergency telecommunications centers within  
843 the state, and not later than April first of each year thereafter, the  
844 commissioner shall determine the amount of funding needed for the  
845 development and administration of the enhanced emergency 9-1-1  
846 program. The commissioner shall specify the expenses associated with  
847 (1) the purchase, installation and maintenance of new public safety  
848 answering point terminal equipment, (2) the implementation of the  
849 subsidy program, as described in subdivision (2) of subsection (a) of  
850 this section, (3) the implementation of the transition grant program,  
851 described in subdivision (2) of subsection (a) of this section, (4) the  
852 implementation of the regional emergency telecommunications service  
853 credit, as described in subdivision (2) of subsection (a) of this section,  
854 provided, for the fiscal year ending June 30, 2001, and each fiscal year  
855 thereafter, such credit for coordinated medical emergency direction  
856 services as provided in regulations adopted under this section shall be  
857 based upon the factor of thirty cents per capita and shall not be  
858 reduced each year, (5) the training of personnel, as necessary, (6)  
859 recurring expenses and future capital costs associated with the  
860 telecommunications network used to provide emergency 9-1-1 service  
861 and the public safety services data networks, (7) for the fiscal year  
862 ending June 30, 2001, and each fiscal year thereafter, the collection,  
863 maintenance and reporting of emergency medical services data, as  
864 required under subparagraphs (A) and (B) of subdivision (8) of section  
865 19a-177, as amended, provided the amount of expenses specified  
866 under this subdivision shall not exceed two hundred fifty thousand  
867 dollars in any fiscal year, (8) for the fiscal year ending June 30, 2001,  
868 and each fiscal year thereafter, the initial training of emergency  
869 medical dispatch personnel, the provision of an emergency medical  
870 dispatch priority reference card set and emergency medical dispatch  
871 training and continuing education pursuant to subdivisions (3) and (4)  
872 of subsection (g) of section 28-25b, and (9) the administration of the  
873 enhanced emergency 9-1-1 program by the Office of State-Wide  
874 Emergency Telecommunications, as the commissioner determines to  
875 be reasonably necessary. The commissioner shall communicate the  
876 commissioner's findings to the chairperson of the [Public Utilities

877 Control Authority] Department of Public Utility Control not later than  
878 April first of each year.

879 Sec. 32. (NEW) (*Effective July 1, 2006*) (a) The Department of Energy  
880 Policy and Development shall constitute a successor department with  
881 respect to the duties of the Office of Policy and Management as set  
882 forth in chapters 295, 296, 298 and 298a of the general statutes  
883 regarding energy policy planning in accordance with sections 4-38d  
884 and 4-39 of the general statutes.

885 (b) The functions, powers, duties and personnel of the Division of  
886 Energy in the Office of Policy and Management shall be transferred to  
887 the Department of Energy Policy and Development pursuant to the  
888 provisions of sections 4-38d, 4-38e and 4-39 of the general statutes.

889 (c) Any order or regulation of the Office of Policy and Management  
890 that is in force on July 1, 2006, pursuant to the powers and duties set  
891 forth in chapters 295, 296, 298 and 298a of the general statutes  
892 regarding energy policy and planning shall continue in force and effect  
893 as an order or regulation until amended, repealed or superseded  
894 pursuant to law.

895 Sec. 33. (NEW) (*Effective July 1, 2006*): (a) The Commissioner of  
896 Energy Policy and Development shall: (1) Be designated as the state  
897 official to implement and execute any federal program, law, order, rule  
898 or regulation related to the allocation, rationing, conservation,  
899 distribution or consumption of energy resources; (2) coordinate all  
900 state and local government programs for the allocation, rationing,  
901 conservation, distribution and consumption of energy resources; (3)  
902 cooperate with the appropriate authorities of the United States  
903 government, or other state or interstate agencies with respect to  
904 allocation, rationing, conservation, distribution and consumption of  
905 energy resources; (4) carry out a program of studies, hearings,  
906 inquiries, surveys and analyses necessary for state-wide energy policy  
907 and planning, provided if an individual or business furnishing  
908 commercial or financial information concerning said individual or

909 business requests, in writing, at the time such information is furnished  
910 that it be treated as confidential proprietary information, such  
911 information, to the extent that it is limited to (A) volume of sales,  
912 shipments, receipts and exchanges of energy resources, (B) inventories  
913 of energy resources, and (C) local distribution patterns of energy  
914 resources, shall be exempt from the provisions of subsection (a) of  
915 section 1-210 of the 2006 supplement to the general statutes; (5)  
916 encourage programs to foster cooperative efforts by and among  
917 Connecticut business, industry, utilities, the academic community and  
918 government to develop new sources of energy; and (6) undertake such  
919 other duties and responsibilities as may be assigned by other state  
920 statutes or by the Governor.

921 (b) The commissioner may: (1) Investigate any complaint  
922 concerning the violation of any federal or state statute, rule, regulation  
923 or order pertaining to pricing, allocation, rationing, conservation,  
924 distribution or consumption of energy resources and shall transmit  
925 any evidence gathered by such investigation to the proper federal or  
926 state authorities; (2) conduct programs of public education regarding  
927 energy conservation; (3) enter into contracts with any person to do all  
928 things necessary or convenient to carry out the functions, powers and  
929 duties of the Department of Energy Policy and Development; (4)  
930 employ, subject to the provisions of chapter 67 of the general statutes,  
931 such staff as is required for the proper discharge of duties of the office;  
932 (5) adopt regulations in accordance with chapter 54 of the general  
933 statutes, to carry out the duties of the Commissioner of Energy Policy  
934 and Development and the Department of Energy Policy and  
935 Development; and (6) provide technical assistance to municipalities  
936 that want to aggregate electric generation services.

937 (c) The Department of Public Utility Control may, at the request of  
938 the Commissioner of Energy Policy and Development or on its own  
939 motion, designate such commissioner as a party in any proceeding  
940 before such authority.

941 (d) Except as prohibited by the provisions of section 4-181 of the

942 general statutes, the Commissioner of Energy Policy and Development  
943 shall (1) have access to the records of the Energy and Technology  
944 Authority and the Department of Public Utility Control, (2) be entitled  
945 to call upon the assistance of the authority's and the department's  
946 experts, and (3) have the benefit of all other facilities or information of  
947 the authority or department in carrying out the duties of the  
948 Commissioner of Energy Policy and Development and the Department  
949 of Energy Policy and Development, except for such internal  
950 documents, information or data that are not available to parties to the  
951 authority's proceedings.

952       Sec. 34. (NEW) (*Effective July 1, 2006*) (a) The Commissioner of  
953 Energy Policy and Development shall: (1) Hold regular public  
954 meetings for the purpose of discussing issues relating to the safety and  
955 operation of the nuclear power generating facilities located in this state  
956 and advise the Governor, the General Assembly and municipalities  
957 within a five-mile radius of any nuclear power generating facility in  
958 this state of such issues; (2) work in conjunction with agencies of the  
959 federal, state and local governments and with any electric company  
960 operating a nuclear power generating facility to ensure the public  
961 health and safety; (3) discuss proposed changes in or problems arising  
962 from the operation of a nuclear power generating facility; (4)  
963 communicate with any electric company operating a nuclear power  
964 generating facility about safety or operational concerns at the facility,  
965 which communications may include, but not be limited to, receipt of  
966 written reports and presentations to the department; and (5) review  
967 the current status of facilities with the Nuclear Regulatory  
968 Commission.

969       (b) The commissioner may establish a nuclear energy advisory  
970 group to assist and advise the department on performance of the  
971 commissioner's duties under this section.

972       Sec. 35. (NEW) (*Effective July 1, 2006*) (a) The Department of Energy  
973 Policy and Development shall: (1) Represent the state in regional  
974 energy system planning processes conducted by the regional

975 independent system operator, as defined in section 16-1 of the 2006  
976 supplement to the general statutes; (2) encourage representatives from  
977 the municipalities that are affected by a proposed project of regional  
978 significance to participate in regional energy system planning  
979 processes conducted by the regional independent system operator; (3)  
980 participate in a forecast proceeding conducted pursuant to subsection  
981 (a) of section 16-50r of the general statutes; and (4) participate in a life-  
982 cycle proceeding conducted pursuant to subsection (b) of section 16-  
983 50r of the general statutes.

984 (b) The Commissioner of Energy Policy and Development may  
985 establish an advisory group to assist and advise the department on the  
986 performance of the commissioner's duties under this section.

987 Sec. 36. (NEW) (*Effective July 1, 2006*) (a) The Department of Energy  
988 Policy and Development is authorized to participate in proceedings  
989 before agencies of the federal government and the federal courts on  
990 matters affecting electric distribution companies, as defined in section  
991 16-1 of the 2006 supplement to the general statutes, electric suppliers,  
992 as defined in said section 16-1, gas companies, as defined in said  
993 section 16-1, gas registrants, as defined in said section 16-1, or exempt  
994 wholesale generators, as defined in said section 16-1.

995 (b) For any proceeding before the Federal Energy Regulatory  
996 Commission, the United States Department of Energy or the United  
997 States Nuclear Regulatory Commission, or appeal thereof, the  
998 Attorney General, upon request of the Commissioner of Energy Policy  
999 and Development, may retain outside legal counsel in accordance with  
1000 section 3-125 of the general statutes to participate in such proceedings  
1001 on behalf of the department. All reasonable and proper expenses of  
1002 such outside legal counsel shall be borne by the electric distribution  
1003 companies, electric suppliers, gas companies, gas registrants, or  
1004 exempt wholesale generators that are affected by the decisions of such  
1005 proceedings and shall be paid at such times and in such manner as the  
1006 Department of Energy Policy and Development directs, provided such  
1007 expenses shall be apportioned in proportion to the revenues of each

1008 affected entity as reported to the Department of Public Utility Control  
1009 for purposes of section 16-49 of the general statutes for the most recent  
1010 period, and provided further such expenses shall not exceed two  
1011 hundred fifty thousand dollars per proceeding, including any appeals  
1012 thereof, in any calendar year unless the department finds good cause  
1013 for exceeding the limit and the affected entities have an opportunity,  
1014 after reasonable notice, to comment on the proposed overage. All such  
1015 legal expenses shall be recognized by the Department of Public Utility  
1016 Control as proper business expenses of the affected entities for rate-  
1017 making purposes, as provided in section 16-19e of the general statutes,  
1018 as amended by this act, if applicable.

1019 Sec. 37. Section 4-38c of the general statutes is repealed and the  
1020 following is substituted in lieu thereof (*Effective July 1, 2006*):

1021 There shall be within the executive branch of state government the  
1022 following departments: Office of Policy and Management, Department  
1023 of Administrative Services, Department of Revenue Services,  
1024 Department of Banking, Department of Agriculture, Department of  
1025 Children and Families, Department of Consumer Protection,  
1026 Department of Correction, Department of Economic and Community  
1027 Development, State Board of Education, Department of Emergency  
1028 Management and Homeland Security, Department of Energy Policy  
1029 and Development, Department of Environmental Protection,  
1030 Department of Public Health, Board of Governors of Higher  
1031 Education, Insurance Department, Labor Department, Department of  
1032 Mental Health and Addiction Services, Department of Mental  
1033 Retardation, Department of Public Safety, Department of Social  
1034 Services, Department of Transportation, Department of Motor  
1035 Vehicles, Department of Veterans' Affairs, Department of Public  
1036 Works and Department of Public Utility Control.

1037 Sec. 38. Subsection (a) of section 4-65a of the general statutes is  
1038 repealed and the following is substituted in lieu thereof (*Effective July*  
1039 *1, 2006*):



1040 (a) There shall be an Office of Policy and Management which shall  
1041 be responsible for all aspects of state staff planning and analysis in the  
1042 areas of budgeting, management, planning, [energy] policy  
1043 determination and evaluation, intergovernmental policy, criminal and  
1044 juvenile justice planning and program evaluation. The department  
1045 head shall be the Secretary of the Office of Policy and Management,  
1046 who shall be appointed by the Governor in accordance with the  
1047 provisions of sections 4-5, as amended by this act, 4-6, 4-7, as amended,  
1048 and 4-8, with all the powers and duties therein prescribed. The  
1049 Secretary of the Office of Policy and Management shall be the  
1050 employer representative (1) in collective bargaining negotiations  
1051 concerning changes to the state employees retirement system and  
1052 health and welfare benefits, and (2) in all other matters involving  
1053 collective bargaining, including negotiation and administration of all  
1054 collective bargaining agreements and supplemental understandings  
1055 between the state and the state employee unions concerning all  
1056 executive branch employees except (A) employees of the Division of  
1057 Criminal Justice, and (B) faculty and professional employees of boards  
1058 of trustees of constituent units of the state system of higher education.  
1059 The secretary may designate a member of the secretary's staff to act as  
1060 the employer representative in the secretary's place.

1061 Sec. 39. Subdivision (2) of subsection (e) of section 4a-57 of the  
1062 general statutes is repealed and the following is substituted in lieu  
1063 thereof (*Effective July 1, 2006*):

1064 (2) Any purchase of or contract by the department for electric  
1065 generation services that are subject to competitive bidding and  
1066 competitive negotiations shall be conducted in cooperation with the  
1067 [Office of Policy and Management] Commissioner of Energy Policy  
1068 and Development pursuant to section 16a-14e, as amended by this act.

1069 Sec. 40. Section 8-37jj of the general statutes is repealed and the  
1070 following is substituted in lieu thereof (*Effective July 1, 2006*):

1071 (a) The Department of Economic and Community Development

1072 may not approve electric resistance as the primary heat source in new,  
1073 subsidized housing except where justified by a life-cycle cost analysis  
1074 whose methodology has been approved by the [division of the Office  
1075 of Policy and Management responsible for energy matters]  
1076 Department of Energy Policy and Development.

1077 (b) If the Department of Economic and Community Development or  
1078 the Connecticut Housing Finance Authority uses electric resistance  
1079 space heating as the primary heating source in any new construction, it  
1080 shall construct the unit in such a way as to be eligible for any available  
1081 energy conservation incentives provided by the electric company, as  
1082 defined in section 16-1, as amended, or the municipal utility furnishing  
1083 electric service to such unit.

1084 Sec. 41. Subsection (f) of section 13a-110a of the general statutes is  
1085 repealed and the following is substituted in lieu thereof (*Effective July*  
1086 *1, 2006*):

1087 (f) The provisions of this section shall not apply to the installation or  
1088 replacement of luminaires for which the [Secretary of the Office of  
1089 Policy and Management] Commissioner of Energy Policy and  
1090 Development (1) conducts a life-cycle cost analysis of one or more  
1091 luminaires which meet the requirements set forth in subsection (b) of  
1092 this section and one or more luminaires which do not meet such  
1093 requirements, and (2) certifies that a luminaire which meets such  
1094 requirements is not cost effective and is not the most appropriate  
1095 alternative based on the life-cycle cost analysis.

1096 Sec. 42. Section 16-6b of the general statutes is repealed and the  
1097 following is substituted in lieu thereof (*Effective July 1, 2006*):

1098 The Department of Public Utility Control may, in accordance with  
1099 chapter 54, adopt such regulations with respect to rates and charges,  
1100 services, accounting practices, safety and the conduct of operations  
1101 generally of public service companies subject to its jurisdiction as it  
1102 deems reasonable and necessary. The department may, in accordance  
1103 with chapter 54, adopt such regulations with respect to services,

1104 accounting practices, safety and the conduct of operations generally of  
1105 electric suppliers subject to its jurisdiction as it deems reasonable and  
1106 necessary. After consultation with the [Secretary of the Office of Policy  
1107 and Management] Commissioner of Energy Policy and Development,  
1108 the department may also adopt regulations establishing standards for  
1109 systems utilizing cogeneration technology and renewable fuel  
1110 resources.

1111 Sec. 43. Subsections (c) and (d) of section 16-19e of the general  
1112 statutes are repealed and the following is substituted in lieu thereof  
1113 (*Effective July 1, 2006*):

1114 (c) The Department of Public Utility Control shall consult at least  
1115 once each year with the Commissioner of Environmental Protection,  
1116 the Connecticut Siting Council and the [Office of Policy and  
1117 Management] Commissioner of Energy Policy and Development, so as  
1118 to coordinate and integrate its actions, decisions and policies  
1119 pertaining to gas and electric companies, so far as possible, with the  
1120 actions, decisions and policies of said other agencies and  
1121 instrumentalities in order to further the development and optimum  
1122 use of the state's energy resources and conform to the greatest  
1123 practicable extent with the state energy policy as stated in section 16a-  
1124 35k, taking into account prudent management of the natural  
1125 environment and continued promotion of economic development  
1126 within the state. In the performance of its duties, the department shall  
1127 take into consideration the energy policies of the state as expressed in  
1128 this subsection and in any annual reports prepared or filed by such  
1129 other agencies and instrumentalities, and shall defer, as appropriate, to  
1130 any actions taken by such other agencies and instrumentalities on  
1131 matters within their respective jurisdictions.

1132 (d) The Commissioner of Environmental Protection, the  
1133 Commissioner of Economic and Community Development, the  
1134 Connecticut Siting Council and the [Office of Policy and Management]  
1135 Commissioner of Energy Policy and Development shall be made  
1136 parties to each proceeding on a rate amendment proposed by a gas,

1137 electric or electric distribution company based upon an alleged need  
1138 for increased revenues to finance an expansion of capital equipment  
1139 and facilities, and shall participate in such proceedings to the extent  
1140 necessary.

1141 Sec. 44. Subdivision (2) of subsection (c) of section 16-32f of the 2006  
1142 supplement to the general statutes is repealed and the following is  
1143 substituted in lieu thereof (*Effective July 1, 2006*):

1144 (2) Programs included in the plan shall be screened through cost-  
1145 effectiveness testing that compares the value and payback period of  
1146 program benefits to program costs to ensure that the programs are  
1147 designed to obtain gas savings whose value is greater than the costs of  
1148 the program. Program cost-effectiveness shall be reviewed annually by  
1149 the department, or otherwise as is practicable. If the department  
1150 determines that a program fails the cost-effectiveness test as part of the  
1151 review process, the program shall either be modified to meet the test  
1152 or shall be terminated. On or before January 1, 2007, and annually  
1153 thereafter, the board shall provide a report, in accordance with the  
1154 provisions of section 11-4a, to the joint standing committees of the  
1155 General Assembly having cognizance of matters relating to energy and  
1156 the environment and to the Commissioner of Energy Policy and  
1157 Development, that documents expenditures and funding for such  
1158 programs and evaluates the cost-effectiveness of such programs  
1159 conducted in the preceding year, including any increased cost-  
1160 effectiveness owing to offering programs that save more than one fuel  
1161 resource.

1162 Sec. 45. Subdivision (3) of subsection (a) of section 16-50l of the  
1163 general statutes is repealed and the following is substituted in lieu  
1164 thereof (*Effective July 1, 2006*):

1165 (3) Notwithstanding the provisions of this subsection, an entity that  
1166 has submitted a proposal pursuant to the request-for-proposal process  
1167 may initiate a certification proceeding by filing with the council an  
1168 application containing the information required pursuant to this

1169 section, accompanied by a filing fee of not more than twenty-five  
 1170 thousand dollars, which fee shall be established in accordance with  
 1171 section 16-50t, and a municipal participation fee of twenty-five  
 1172 thousand dollars to be deposited in the account established pursuant  
 1173 to section 16-50bb, not later than thirty days after the [Connecticut  
 1174 Energy Advisory Board] Commissioner of Energy Policy and  
 1175 Development performs the evaluation process pursuant to subsection  
 1176 (f) of section 16a-7c, as amended by this act.

1177 Sec. 46. Section 16-243k of the 2006 supplement to the general  
 1178 statutes is repealed and the following is substituted in lieu thereof  
 1179 (*Effective July 1, 2006*):

1180 Not later than January 1, 2007, and annually thereafter, the  
 1181 Department of Public Utility Control shall assess the number and types  
 1182 of customer-side and grid-side distributed resources, as defined in  
 1183 section 16-1, as amended, projects financed pursuant to the provisions  
 1184 of public act 05-1 of the June special session\* and such projects'  
 1185 contributions to achieving fuel diversity, transmission support, and  
 1186 energy independence in the state. Not later than January 1, 2007, and  
 1187 biennially thereafter, the department shall collect the information in  
 1188 such annual assessments and report, in accordance with the provisions  
 1189 of section 11-4a, on the effectiveness of the award program established  
 1190 in section 16-243i and on its findings to the joint standing committee of  
 1191 the General Assembly having cognizance of matters relating to energy  
 1192 and to the Commissioner of Energy Policy and Development.

1193 Sec. 47. Subsection (m) of section 16-243m of the 2006 supplement to  
 1194 the general statutes is repealed and the following is substituted in lieu  
 1195 thereof (*Effective July 1, 2006*):

1196 (m) An electric distribution company may not submit a proposal  
 1197 under this section on or after February 1, 2011. On or before January 1,  
 1198 2010, the department shall submit a report, in accordance with section  
 1199 11-4a, to the joint standing committee of the General Assembly having  
 1200 cognizance of matters relating to energy and to the Department of

1201 Energy Policy and Development with a recommendation as to whether  
1202 the period during which such company may submit proposals under  
1203 this section should be extended.

1204 Sec. 48. Subsection (b) of section 16-244d of the general statutes is  
1205 repealed and the following is substituted in lieu thereof (*Effective July*  
1206 *1, 2006*):

1207 (b) There shall be established a Consumer Education Advisory  
1208 Council which shall advise the outreach program coordinator on the  
1209 development and implementation of the outreach program until the  
1210 termination of the standard offer under section 16-244c, as amended.  
1211 Membership of the advisory council shall be established by the  
1212 Consumer Counsel not later than December 1, 1998, and shall include,  
1213 but not be limited to, representatives of the Department of Public  
1214 Utility Control, the Office of Consumer Counsel, the Office of the  
1215 Attorney General, the [Office of Policy and Management] Department  
1216 of Energy Policy and Development, the Department of Environmental  
1217 Protection, community and business organizations, consumer groups,  
1218 including, but not limited to, a group that represents hardship  
1219 customers, as defined in section 16-262c, as amended by this act,  
1220 electric distribution companies and electric suppliers. The advisory  
1221 council shall determine the information to be distributed to customers  
1222 as part of the education effort such as customers' rights and obligations  
1223 in a restructured environment, how customers can exercise their right  
1224 to participate in retail access, the types of electric suppliers expected to  
1225 be licensed including the possibility of load aggregation, electric  
1226 generation services options that will be available, the environmental  
1227 characteristics of different types of generation facilities and other  
1228 information determined by the advisory council to be necessary for  
1229 customers. The advisory council shall advise the outreach program  
1230 coordinator on the methods of distributing information in accordance  
1231 with subsection (a) of this section and the timing of such distribution.  
1232 The advisory council shall meet on a regular basis and report to the  
1233 outreach program coordinator as it deems appropriate until  
1234 termination of the advisory council's role upon the termination of the

1235 standard offer under section 16-244c, as amended.

1236 Sec. 49. Subsection (a) of section 16-245l of the 2006 supplement to  
1237 the general statutes is repealed and the following is substituted in lieu  
1238 thereof (*Effective July 1, 2006*):

1239 (a) The Department of Public Utility Control shall establish and each  
1240 electric distribution company shall collect a systems benefits charge to  
1241 be imposed against all end use customers of each electric distribution  
1242 company beginning January 1, 2000. The department shall hold a  
1243 hearing that shall be conducted as a contested case in accordance with  
1244 chapter 54 to establish the amount of the systems benefits charge. The  
1245 department may revise the systems benefits charge or any element of  
1246 said charge as the need arises. The systems benefits charge shall be  
1247 used to fund (1) the expenses of the public education outreach  
1248 program developed under subsections (a), (f) and (g) of section 16-  
1249 244d, as amended by this act, other than expenses for department staff,  
1250 (2) the reasonable and proper expenses of the education outreach  
1251 consultant pursuant to subsection (d) of section 16-244d, as amended  
1252 by this act, (3) the cost of hardship protection measures under sections  
1253 16-262c, as amended by this act, and 16-262d and other hardship  
1254 protections, including, but not limited to, electric service bill payment  
1255 programs, funding and technical support for energy assistance, fuel  
1256 bank and weatherization programs and weatherization services, (4) the  
1257 payment program to offset tax losses described in section 12-94d, (5)  
1258 any sums paid to a resource recovery authority pursuant to subsection  
1259 (b) of section 16-243e, (6) low income conservation programs approved  
1260 by the Department of Public Utility Control, (7) displaced worker  
1261 protection costs, (8) unfunded storage and disposal costs for spent  
1262 nuclear fuel generated before January 1, 2000, approved by the  
1263 appropriate regulatory agencies, (9) postretirement safe shutdown and  
1264 site protection costs that are incurred in preparation for  
1265 decommissioning, (10) decommissioning fund contributions, (11) the  
1266 costs of temporary electric generation facilities incurred pursuant to  
1267 section 16-19ss, as amended, [(12) operating expenses for the  
1268 Connecticut Energy Advisory Board, and (13)] and (12) legal, appraisal

1269 and purchase costs of a conservation or land use restriction and other  
1270 related costs as the department in its discretion deems appropriate,  
1271 incurred by a municipality on or before January 1, 2000, to ensure the  
1272 environmental, recreational and scenic preservation of any reservoir  
1273 located within this state created by a pump storage hydroelectric  
1274 generating facility. As used in this subsection, "displaced worker  
1275 protection costs" means the reasonable costs incurred, prior to January  
1276 1, 2008, (A) by an electric supplier, exempt wholesale generator,  
1277 electric company, an operator of a nuclear power generating facility in  
1278 this state or a generation entity or affiliate arising from the dislocation  
1279 of any employee other than an officer, provided such dislocation is a  
1280 result of (i) restructuring of the electric generation market and such  
1281 dislocation occurs on or after July 1, 1998, or (ii) the closing of a Title IV  
1282 source or an exempt wholesale generator, as defined in 15 USC 79z-5a,  
1283 on or after January 1, 2004, as a result of such source's failure to meet  
1284 requirements imposed as a result of sections 22a-197 and 22a-198, as  
1285 amended by this act, and this section or those Regulations of  
1286 Connecticut State Agencies adopted by the Department of  
1287 Environmental Protection, as amended from time to time, in  
1288 accordance with Executive Order Number 19, issued on May 17, 2000,  
1289 and provided further such costs result from either the execution of  
1290 agreements reached through collective bargaining for union  
1291 employees or from the company's or entity's or affiliate's programs  
1292 and policies for nonunion employees, and (B) by an electric  
1293 distribution company or an exempt wholesale generator arising from  
1294 the retraining of a former employee of an unaffiliated exempt  
1295 wholesale generator, which employee was involuntarily dislocated on  
1296 or after January 1, 2004, from such wholesale generator, except for  
1297 cause. "Displaced worker protection costs" includes costs incurred or  
1298 projected for severance, retraining, early retirement, outplacement,  
1299 coverage for surviving spouse insurance benefits and related expenses.  
1300 "Displaced worker protection costs" does not include those costs  
1301 included in determining a tax credit pursuant to section 12-217bb.

1302 Sec. 50. Subsection (d) of section 16-245m of the 2006 supplement to



1303 the general statutes is repealed and the following is substituted in lieu  
1304 thereof (*Effective July 1, 2006*):

1305 (d) (1) The Energy Conservation Management Board shall advise  
1306 and assist the electric distribution companies in the development and  
1307 implementation of a comprehensive plan, which plan shall be  
1308 approved by the Department of Public Utility Control, to implement  
1309 cost-effective energy conservation programs and market  
1310 transformation initiatives. The plan shall be consistent with the  
1311 comprehensive energy plan approved by the [Connecticut Energy  
1312 Advisory Board] Commissioner of Energy Policy and Development  
1313 pursuant to section 16a-7a, as amended by this act, at the time of  
1314 submission to the department. Each program contained in the plan  
1315 shall be reviewed by the electric distribution company and either  
1316 accepted or rejected by the Energy Conservation Management Board  
1317 prior to submission to the department for approval. The Energy  
1318 Conservation Management Board shall, as part of its review, examine  
1319 opportunities to offer joint programs providing similar efficiency  
1320 measures that save more than one fuel resource or otherwise to  
1321 coordinate programs targeted at saving more than one fuel resource.  
1322 Any costs for joint programs shall be allocated equitably among the  
1323 conservation programs. The Energy Conservation Management Board  
1324 shall give preference to projects that maximize the reduction of  
1325 federally mandated congestion charges.

1326 (2) There shall be a joint committee of the Energy Conservation  
1327 Management Board and the Renewable Energy Investments Advisory  
1328 Committee. The board and the advisory committee shall each appoint  
1329 members to such joint committee. The joint committee shall examine  
1330 opportunities to coordinate the programs and activities funded by the  
1331 Renewable Energy Investment Fund pursuant to section 16-245n, as  
1332 amended by this act, with the programs and activities contained in the  
1333 plan developed under this subsection to reduce the long-term cost,  
1334 environmental impacts and security risks of energy in the state. Such  
1335 joint committee shall hold its first meeting on or before August 1, 2005.

1336 (3) Programs included in the plan developed under subdivision (1)  
1337 of subsection (d) of this section shall be screened through cost-  
1338 effectiveness testing which compares the value and payback period of  
1339 program benefits to program costs to ensure that programs are  
1340 designed to obtain energy savings and system benefits, including  
1341 mitigation of federally mandated congestion charges, whose value is  
1342 greater than the costs of the programs. Cost-effectiveness testing shall  
1343 utilize available information obtained from real-time monitoring  
1344 systems to ensure accurate validation and verification of energy use.  
1345 Program cost-effectiveness shall be reviewed annually, or otherwise as  
1346 is practicable. If a program is determined to fail the cost-effectiveness  
1347 test as part of the review process, it shall either be modified to meet the  
1348 test or shall be terminated. On or before March 1, 2005, and on or  
1349 before March first annually thereafter, the board shall provide a report,  
1350 in accordance with the provisions of section 11-4a, to the joint standing  
1351 committees of the General Assembly having cognizance of matters  
1352 relating to energy and the environment and to the Department of  
1353 Energy Policy and Development (A) that documents expenditures and  
1354 fund balances and evaluates the cost-effectiveness of such programs  
1355 conducted in the preceding year, and (B) that documents the extent to  
1356 and manner in which the programs of such board collaborated and  
1357 cooperated with programs, established under section 7-233y, of  
1358 municipal electric energy cooperatives. To maximize the reduction of  
1359 federally mandated congestion charges, programs in the plan may  
1360 allow for disproportionate allocations between the amount of  
1361 contributions to the Energy Conservation and Load Management  
1362 Funds by a certain rate class and the programs that benefit such a rate  
1363 class. Before conducting such evaluation, the board shall consult with  
1364 the Renewable Energy Investments Advisory Committee. The report  
1365 shall include a description of the activities undertaken during the  
1366 reporting period jointly or in collaboration with the Renewable Energy  
1367 Investment Fund established pursuant to subsection (c) of section 16-  
1368 245n, as amended by this act.

1369 (4) Programs included in the plan developed under subdivision (1)

1370 of subsection (d) of this section may include, but not be limited to: (A)  
1371 Conservation and load management programs, including programs  
1372 that benefit low-income individuals; (B) research, development and  
1373 commercialization of products or processes which are more energy-  
1374 efficient than those generally available; (C) development of markets for  
1375 such products and processes; (D) support for energy use assessment,  
1376 real-time monitoring systems, engineering studies and services related  
1377 to new construction or major building renovation; (E) the design,  
1378 manufacture, commercialization and purchase of energy-efficient  
1379 appliances and heating, air conditioning and lighting devices; (F)  
1380 program planning and evaluation; (G) indoor air quality programs  
1381 relating to energy conservation; (H) joint fuel conservation initiatives  
1382 programs targeted at reducing consumption of more than one fuel  
1383 resource; and (I) public education regarding conservation. Such  
1384 support may be by direct funding, manufacturers' rebates, sale price  
1385 and loan subsidies, leases and promotional and educational activities.  
1386 The plan shall also provide for expenditures by the Energy  
1387 Conservation Management Board for the retention of expert  
1388 consultants and reasonable administrative costs provided such  
1389 consultants shall not be employed by, or have any contractual  
1390 relationship with, an electric distribution company. Such costs shall  
1391 not exceed five per cent of the total revenue collected from the  
1392 assessment.

1393       Sec. 51. Subsection (f) of section 16-245m of the 2006 supplement to  
1394 the general statutes is repealed and the following is substituted in lieu  
1395 thereof (*Effective July 1, 2006*):

1396       (f) No later than December 31, 2006, and no later than December  
1397 thirty-first every five years thereafter, the Energy Conservation  
1398 Management Board shall, after consulting with the Renewable Energy  
1399 Investments Advisory Committee, conduct an evaluation of the  
1400 performance of the programs and activities of the fund and submit a  
1401 report, in accordance with the provisions of section 11-4a, of the  
1402 evaluation to the joint standing committee of the General Assembly  
1403 having cognizance of matters relating to energy and to the Department

1404 of Energy Policy and Development.

1405       Sec. 52. Subsection (d) of section 16-245n of the 2006 supplement to  
1406 the general statutes is repealed and the following is substituted in lieu  
1407 thereof (*Effective July 1, 2006*):

1408       (d) The chairperson of the board of directors of Connecticut  
1409 Innovations, Incorporated, shall convene a Renewable Energy  
1410 Investments Advisory Committee to assist Connecticut Innovations,  
1411 Incorporated, in matters related to the Renewable Energy Investment  
1412 Fund, including, but not limited to, development of a comprehensive  
1413 plan and expenditure of funds. The advisory committee shall, in such  
1414 plan, give preference to projects that maximize the reduction of  
1415 federally mandated congestion charges. The plan shall be consistent  
1416 with the comprehensive energy plan approved by the [Connecticut  
1417 Energy Advisory Board] Commissioner of Energy Policy and  
1418 Development pursuant to section 16a-7a, as amended by this act. The  
1419 advisory committee shall include not more than twelve individuals  
1420 with knowledge and experience in matters related to the purpose and  
1421 activities of said fund. The advisory committee shall consist of the  
1422 following members: (1) One person with expertise regarding  
1423 renewable energy resources appointed by the speaker of the House of  
1424 Representatives; (2) one person representing a state or regional  
1425 organization primarily concerned with environmental protection  
1426 appointed by the president pro tempore of the Senate; (3) one person  
1427 with experience in business or commercial investments appointed by  
1428 the majority leader of the House of Representatives; (4) one person  
1429 representing a state or regional organization primarily concerned with  
1430 environmental protection appointed by the majority leader of the  
1431 Senate; (5) one person with experience in business or commercial  
1432 investments appointed by the minority leader of the House of  
1433 Representatives; (6) one person with experience in business or  
1434 commercial investments appointed by the minority leader of the  
1435 Senate; (7) two state officials with experience in matters relating to  
1436 energy policy and one person with expertise regarding renewable  
1437 energy resources appointed by the Governor; and (8) three persons

1438 with experience in business or commercial investments appointed by  
 1439 the board of directors of Connecticut Innovations, Incorporated. The  
 1440 advisory committee shall issue annually a report to such chairperson  
 1441 reviewing the activities of the fund in detail and shall provide a copy  
 1442 of such report, in accordance with the provisions of section 11-4a, to  
 1443 the joint standing committee of the General Assembly having  
 1444 cognizance of matters relating to energy, the Department of Public  
 1445 Utility Control and the Office of Consumer Counsel. The report shall  
 1446 include a description of the programs and activities undertaken during  
 1447 the reporting period jointly or in collaboration with the Energy  
 1448 Conservation and Load Management Funds established pursuant to  
 1449 section 16-245m, as amended by this act.

1450 Sec. 53. Subsection (a) of section 16-261a of the general statutes is  
 1451 repealed and the following is substituted in lieu thereof (*Effective July*  
 1452 *1, 2006*):

1453 (a) There is established an interagency task force to study electric  
 1454 and magnetic fields. The task force shall determine the appropriate  
 1455 role of the state in addressing the potential problems associated with  
 1456 electric and magnetic fields and may make recommendations to the  
 1457 General Assembly regarding any legislation which it deems  
 1458 appropriate. The task force shall consist of (1) the Commissioner of  
 1459 Public Health or his designee; (2) the Commissioner of Environmental  
 1460 Protection or his designee; (3) the Commissioner of Economic and  
 1461 Community Development or his designee; (4) the [Secretary of the  
 1462 Office of Policy and Management] Commissioner of Energy and Policy  
 1463 and Development or his designee; (5) the chairperson of the Public  
 1464 Utilities Control Authority or his designee; and (6) the chairman of the  
 1465 Connecticut Siting Council or his designee.

1466 Sec. 54. Subdivision (5) of subsection (b) of section 16-262c of the  
 1467 general statutes is repealed and the following is substituted in lieu  
 1468 thereof (*Effective July 1, 2006*):

1469 (5) Each gas and electric distribution company shall submit to the

1470 Department of Public Utility Control annually, on or before July first,  
1471 an implementation plan which shall include information concerning  
1472 amortization agreements, counseling, reinstatement of eligibility, rate  
1473 impacts and any other information deemed relevant by the  
1474 department. The Department of Public Utility Control may, in  
1475 consultation with the [Office of Policy and Management]  
1476 Commissioner of Energy Policy and Development, approve or modify  
1477 such plan within ninety days of receipt of the plan. If the department  
1478 does not take any action on such plan within ninety days of its receipt,  
1479 the plan shall automatically take effect at the end of the ninety-day  
1480 period, provided the department may extend such period for an  
1481 additional thirty days by notifying the company before the end of the  
1482 ninety-day period. Any amount recovered by a company in its rates  
1483 pursuant to this subsection shall not include any amount approved by  
1484 the Department of Public Utility Control as an uncollectible expense.  
1485 The department may deny all or part of the recovery required by this  
1486 subsection if it determines that the company seeking recovery has been  
1487 imprudent, inefficient or acting in violation of statutes or regulations  
1488 regarding amortization agreements.

1489 Sec. 55. Section 16a-2 of the general statutes is repealed and the  
1490 following is substituted in lieu thereof (*Effective July 1, 2006*):

1491 As used in this chapter and sections 16a-45a, as amended by this act,  
1492 16a-46, as amended by this act, 16a-46a, as amended by this act, and  
1493 16a-46b, as amended by this act:

1494 [(a) "Office" means the Office of Policy and Management;

1495 (b) "Board" means the Connecticut Energy Advisory Board;]

1496 [(c)] (1) "Secretary" means the Secretary of the Office of Policy and  
1497 Management;

1498 (2) "Department" means the Department of Energy Policy and  
1499 Development;

1500       (3) "Commissioner" means the Commissioner of Energy Policy and  
1501       Development;

1502       [(d)] (4) "Energy" means work or heat that is, or may be, produced  
1503       from any fuel or source whatsoever;

1504       [(e)] (5) "Energy emergency" means a situation where the health,  
1505       safety or welfare of the citizens of the state is threatened by an actual  
1506       or impending acute shortage in usable energy resources;

1507       [(f)] (6) "Energy resource" means natural gas, petroleum products,  
1508       coal and coal products, wood fuels, geothermal sources, radioactive  
1509       materials and any other resource yielding energy;

1510       [(g)] (7) "Person" means any individual, firm, partnership,  
1511       association, syndicate, company, trust, corporation, limited liability  
1512       company, municipality, agency or political or administrative  
1513       subdivision of the state, or other legal entity of any kind;

1514       [(h)] (8) "Service area" means any geographic area serviced by the  
1515       same energy-producing public service company, as defined in section  
1516       16-1, as amended;

1517       [(i)] (9) "Renewable resource" means solar, wind, water, wood or  
1518       other biomass source of energy and geothermal energy;

1519       [(j)] (10) "Energy-related products" means [(1)] (A) energy systems  
1520       and equipment that utilize renewable resources to provide space  
1521       heating or cooling, water heating, electricity or other useful energy,  
1522       [(2)] (B) insulation materials, and [(3)] (C) equipment designed to  
1523       conserve energy or increase the efficiency of its use, including that  
1524       used for residential, commercial, industrial and transportation  
1525       purposes;

1526       [(k)] (11) "Energy-related services" means [(1)] (A) the design,  
1527       construction, installation, inspection, maintenance, adjustment or  
1528       repair of energy-related products, [(2)] (B) inspection, adjustment,  
1529       maintenance or repair of any conventional energy system, [(3)] (C) the

1530 performance of energy audits or the provision of energy management  
1531 consulting services, and [(4)] (D) weatherization activities carried out  
1532 under any federal, state or municipal program;

1533 [(l)] (12) "Conventional energy system" means any system for  
1534 supplying space heating or cooling, ventilation or domestic or  
1535 commercial hot water which is not included in [subdivision (1) of  
1536 subsection (j)] subparagraph (A) of subdivision (10) of this section; and

1537 [(m)] (13) "Energy supply" means any energy resource capable of  
1538 being used to perform useful work and any form of energy such as  
1539 electricity produced or derived from energy resources which may be  
1540 so used.

1541 Sec. 56. Section 16a-4 of the general statutes is repealed and the  
1542 following is substituted in lieu thereof (*Effective July 1, 2006*):

1543 The Secretary of the Office of Policy and Management shall employ,  
1544 subject to the provisions of chapter 67, such staff as is required for the  
1545 proper discharge of duties of the office as set forth in [this chapter and]  
1546 sections [4-5,] 4-124l, 4-124p, 8-3b, 8-32a, 8-33a, 8-35a, as amended, 8-  
1547 189, subsection (b) of section 8-206, sections 16a-20, as amended by this  
1548 act, 16a-102, as amended by this act, 22a-352 and 22a-353. The secretary  
1549 may adopt, pursuant to chapter 54, such regulations as are necessary  
1550 to carry out the purposes of this chapter.

1551 Sec. 57. Section 16a-4a of the general statutes is repealed and the  
1552 following is substituted in lieu thereof (*Effective July 1, 2006*):

1553 The Office of Policy and Management shall:

1554 (1) Formulate and prepare state-wide or interregional plans for the  
1555 physical, social and economic development of the state. Such plans  
1556 may be prepared jointly or in consultation with other state, interstate,  
1557 federal, regional or local agencies. Such plans may include, but need  
1558 not be limited to, (A) demographic projections, (B) economic  
1559 projections, (C) land use and water considerations, (D) transportation



1560 requirements, (E) environmental considerations, (F) energy capabilities  
1561 and requirements, (G) public facilities, (H) labor needs and skills, (I)  
1562 educational objectives, (J) housing needs, and (K) health needs;

1563 (2) Receive for review, information and recommendations, plans  
1564 proposed by any state agency acting alone or jointly which has among  
1565 its duties planning responsibilities relating to those considerations set  
1566 forth in subdivision (1) of this section or similar subjects;

1567 (3) Coordinate regional and state planning activities and accomplish  
1568 such planning review activities as may be necessary;

1569 (4) Designate or redesignate logical planning regions within the  
1570 state and promote and assist in the promotion and continuation of  
1571 regional planning agencies under chapter 127;

1572 (5) Provide for technical aid and the administration of financial  
1573 assistance to regional planning agencies established under chapter 127  
1574 or any regional council of elected officials in any region without a  
1575 regional planning agency or any regional council of governments  
1576 organized under sections 4-124i to 4-124p, inclusive, under such terms  
1577 and conditions as may be agreed upon by the secretary;

1578 (6) Accept from any source funds, revenue or other consideration  
1579 available to this state for interstate, state, regional, interregional or area  
1580 planning activities or projects and provide for the administration of  
1581 such funds, revenues or other consideration; and

1582 (7) Make available to the public, for a reasonable fee, all reports,  
1583 testing results and other material developed or procured as a result of  
1584 activities authorized by this section, section 16a-14 and section 16a-14b,  
1585 as amended by this act. [; and]

1586 [(8) Provide technical assistance to municipalities that want to  
1587 aggregate electric generation services.]

1588 Sec. 58. Section 16a-5 of the general statutes is repealed and the  
1589 following is substituted in lieu thereof (*Effective July 1, 2006*):

1590 (a) The [Secretary of the Office of Policy and Management]  
1591 Commissioner of Energy Policy and Development, with the assistance  
1592 of any other state agency, if needed, shall investigate violations of  
1593 chapter 296 and, in connection with the performance of his duties  
1594 under this chapter and chapter 296, shall have the power to hold  
1595 hearings, issue subpoenas and summon and examine witnesses under  
1596 oath and issue subpoenas duces tecum for the production of books,  
1597 records, vouchers, memoranda, documents, letters, tapes or other  
1598 recordings or other papers or items. If any person refuses to obey a  
1599 subpoena, the superior court for the judicial district of Hartford, or any  
1600 judge of the court if it is not in session, shall, upon application of the  
1601 [secretary] commissioner, have jurisdiction to issue to the person an  
1602 order requiring him to appear before the [secretary] commissioner or  
1603 to produce the books, records, vouchers, memoranda, documents,  
1604 letters, tapes or other recordings or other papers or items requested.

1605 (b) The [secretary] commissioner may, in connection with the  
1606 performance of his duties under any other statute or act, apply to the  
1607 superior court for the judicial district of Hartford, or to a judge of the  
1608 court if the court is not in session, for a subpoena to compel the  
1609 attendance and testimony under oath of witnesses or the production of  
1610 books, records, vouchers, memoranda, documents, letters, tapes or  
1611 other recordings or other papers or items. The court or judge shall,  
1612 before issuing the subpoena, provide adequate opportunity for the  
1613 [secretary] commissioner and the party against whom the subpoena is  
1614 requested to be heard. No such subpoena shall be issued unless the  
1615 court or judge finds that the attendance and testimony of the witness  
1616 or the production of the requested material is reasonably necessary to  
1617 carry out the purposes of such other statute or act and that the  
1618 [secretary] commissioner has made reasonable efforts to secure the  
1619 attendance, testimony and requested material without recourse to  
1620 compulsory process. Such subpoena shall be served by a proper officer  
1621 or indifferent person.

1622 Sec. 59. Section 16a-6 of the general statutes is repealed and the  
1623 following is substituted in lieu thereof (*Effective July 1, 2006*):

1624 Each department, office, board, commission, council or other agency  
1625 of the state and each officer or employee shall cooperate with the  
1626 Secretary of the Office of Policy and Management and shall furnish  
1627 him such information, personnel and assistance as may be necessary or  
1628 appropriate in the discharge of the responsibilities of the secretary and  
1629 the board under this chapter and sections 4-5, as amended by this act,  
1630 4-124l, 4-124p, 8-3b, 8-32a, 8-33a, 8-35a, as amended, 8-189, subsection  
1631 (b) of section 8-206, sections [16a-20, 16a-102,] 22a-352 and 22a-353.  
1632 [The Commissioner of Motor Vehicles shall require each person  
1633 applying for a license under section 14-319 to submit in his application  
1634 the information which persons registering under section 16a-22d are  
1635 required to submit. The commissioner shall furnish the secretary with  
1636 this information.]

1637 Sec. 60. (NEW) (*Effective July 1, 2006*) Each department, office, board,  
1638 commission, council or other agency of the state and each officer or  
1639 employee shall cooperate with the Commissioner of Energy Policy and  
1640 Development and shall furnish the Commissioner of Energy Policy  
1641 and Development such information, personnel and assistance as may  
1642 be necessary or appropriate in the discharge of the responsibilities of  
1643 the Commissioner of Energy Policy and Development under chapter  
1644 277 of the general statutes and sections 16a-20 of the general statutes,  
1645 as amended by this act, and 16a-102 of the general statutes, as  
1646 amended by this act. The Commissioner of Motor Vehicles shall  
1647 require each person applying for a license under section 14-319 of the  
1648 general statutes to submit in his application the information that  
1649 persons registering under section 16a-22d of the general statutes, as  
1650 amended by this act, are required to submit. The Commissioner of  
1651 Motor Vehicles shall furnish the Commissioner of Energy Policy and  
1652 Development with this information.

1653 Sec. 61. Section 16a-7a of the general statutes is repealed and the  
1654 following is substituted in lieu thereof (*Effective July 1, 2006*):

1655 On or before January 1, [2004] 2007, and annually thereafter, the  
1656 [Connecticut Energy Advisory Board] Commissioner of Energy Policy

1657 and Development shall prepare a comprehensive energy plan based on  
1658 existing reports and studies as to the need for new energy resources,  
1659 new energy transmission facilities in the state and new energy  
1660 conservation initiatives in the state. The [board] commissioner shall  
1661 hold regional public hearings on the proposed plan and shall give at  
1662 least thirty days' notice of each hearing by publication on the Internet  
1663 websites of the participating agencies. [participating on the board.]  
1664 Notice of such hearing may be published in one or more newspapers  
1665 having general circulation in each municipality as deemed necessary  
1666 by the [board] commissioner. The notice shall state the date, time and  
1667 place of the hearing, the subject matter of the hearing, the statutory  
1668 authority for the plan and the location where a copy of the plan may be  
1669 examined. Any person may comment on the proposed plan. The  
1670 [board] commissioner shall provide a time period of not less than  
1671 forty-five days from the date the notice is published on the Internet  
1672 websites of the participating agencies [participating on the board] for  
1673 review and comment. The [board] commissioner shall consider fully,  
1674 after all public hearings, all written and oral comments respecting the  
1675 proposed plan and shall mail to each person who commented or  
1676 requested notification, notice of availability of the following  
1677 documents at a designated location: The text of the final plan, a  
1678 summary of the differences between the proposed and final plan and  
1679 the reasons for such differences, and the principal considerations  
1680 raised in opposition to the proposed plan and the reasons for rejecting  
1681 any such considerations. The [chairman of the board] commissioner  
1682 shall sign the final plan and shall submit it to the joint standing  
1683 committees of the General Assembly having cognizance of matters  
1684 relating to energy, the environment and transportation. Such plan shall  
1685 reflect the legislative findings and policy stated in section 16a-35k,  
1686 shall be consistent with the state plan of conservation and  
1687 development adopted under chapter 297 and shall include, but not be  
1688 limited to, (1) an assessment of current energy supplies, demand and  
1689 costs; (2) an identification and evaluation of the factors likely to affect  
1690 future energy supplies, demand and costs; (3) a statement of progress  
1691 made toward long-term goals set in the previous report; (4)

1692 recommendations for decreasing dependency on fossil fuels by  
1693 promoting energy conservation, solar and other alternative energy  
1694 sources; (5) an assessment of the infrastructure of the state for natural  
1695 gas and electric systems; (6) an evaluation of the impact of regional  
1696 transmission infrastructure planning processes conducted by the  
1697 regional independent system operator, as defined in section 16-1, as  
1698 amended, on the state's environment, on energy market design, and on  
1699 economic development in the state; (7) the consideration of alternative  
1700 energy planning mechanisms and targets as an alternative to  
1701 integrated resource planning; (8) a statement of energy policies and  
1702 long-range energy planning objectives and strategies appropriate to  
1703 achieve, among other things, the least-cost mix of energy supply  
1704 sources and measures that reduce demand for energy, giving due  
1705 regard to such factors as ratepayer impacts, security and diversity of  
1706 fuel supplies and energy generating methods, protection of public  
1707 health and safety, adverse or beneficial environmental impacts,  
1708 conservation of energy and energy resources and the ability of the state  
1709 to compete economically; and (9) recommendations for administrative  
1710 and legislative actions to implement such policies, objectives and  
1711 strategies.

1712 Sec. 62. Section 16a-7b of the general statutes is repealed and the  
1713 following is substituted in lieu thereof (*Effective July 1, 2006*):

1714 Not later than December 1, [2004, the Connecticut Energy Advisory  
1715 Board shall develop] 2007, the Commissioner of Energy Policy and  
1716 Development shall review and update, if necessary, infrastructure  
1717 criteria guidelines for the evaluation process under subsection (f) of  
1718 section 16a-7c, as amended by this act, which guidelines shall be  
1719 consistent with state environmental policy, state economic  
1720 development policy, the state's policy regarding the restructuring of  
1721 the electric industry, as set forth in section 16-244, and the findings in  
1722 the comprehensive energy plan prepared pursuant to section 16a-7a, as  
1723 amended by this act, and shall include, but not be limited to, the  
1724 following: (1) Environmental preference standards; (2) efficiency  
1725 standards, including, but not limited to, efficiency standards for

1726 transmission, generation and demand-side management; (3)  
1727 generation preference standards; (4) electric capacity, use trends and  
1728 forecasted resource needs; (5) natural gas capacity, use trends and  
1729 forecasted resource needs; and (6) national and regional reliability  
1730 criteria applicable to the regional bulk power grid, as determined in  
1731 consultation with the regional independent system operator, as  
1732 defined in section 16-1, as amended. In developing environmental  
1733 preference standards, the [board] commissioner shall consider the  
1734 recommendations and findings of the task force established pursuant  
1735 to section 25-157a and Executive Order Number 26 of Governor John  
1736 G. Rowland.

1737       Sec. 63. Section 16a-7c of the general statutes is repealed and the  
1738 following is substituted in lieu thereof (*Effective from passage*):

1739       (a) Not later than fifteen days after receiving information pursuant  
1740 to subsection (e) of section 16-50l, as amended by this act, the  
1741 [Connecticut Energy Advisory Board] Commissioner of Energy Policy  
1742 and Development shall publish such information in one or more  
1743 newspapers or periodicals, as selected by the [board] commissioner.

1744       (b) On or after December 1, 2004, not later than fifteen days after the  
1745 filing of an application pursuant to subdivision (1) of subsection (a) of  
1746 section 16-50i, except for an application for a facility described in  
1747 subdivision (5) or (6) of subsection (a) of section 16-50i, the  
1748 [Connecticut Energy Advisory Board] commissioner shall issue a  
1749 request-for-proposal to seek alternative solutions to the need that will  
1750 be addressed by the proposed facility in such application. Such  
1751 request-for-proposal shall, where relevant, solicit proposals that  
1752 include distributed generation or energy efficiency measures. The  
1753 board shall publish such request-for-proposal in one or more  
1754 newspapers or periodicals, as selected by the board.

1755       (c) The [board] commissioner may issue a request-for-proposal for  
1756 solutions to a need for new energy resources, new energy transmission  
1757 facilities in the state, and new energy conservation initiatives in the

1758 state identified in the annual comprehensive energy report prepared  
1759 under section 16a-7a, as amended by this act, or identified in regional  
1760 energy system planning processes conducted by the regional  
1761 independent system operator, as defined in section 16-1, as amended.  
1762 Such request-for-proposal shall, where relevant, solicit proposals that  
1763 include distributed generation or energy efficiency measures. The  
1764 [board] commissioner shall publish such request-for-proposal in one or  
1765 more newspapers or periodicals, as selected by the [board]  
1766 commissioner.

1767 (d) Not later than sixty days after the first date of publication of a  
1768 request-for-proposal, a person or any legal entity may submit a  
1769 proposal by filing with the [board] commissioner information as such  
1770 person or entity may consider relevant to such proposal. The [board]  
1771 commissioner may request further information from the person or  
1772 entity that it deems necessary to evaluate the proposal pursuant to  
1773 subsection (f) of this section.

1774 (e) Upon the submission of a proposal pursuant to a request-for-  
1775 proposal, the person or entity submitting the proposal shall consult  
1776 with the municipality in which the facility may be located and with  
1777 any other municipality that would be required to be served with a  
1778 copy of an application for such proposal under subdivision (1) of  
1779 subsection (b) of section 16-50l, as amended by this act, concerning the  
1780 proposed and alternative sites of the facility. Such consultation with  
1781 the municipality shall include, but not be limited to, good faith efforts  
1782 to meet with the chief elected official of the municipality. At the time  
1783 of the consultation, the person or entity submitting the proposal shall  
1784 provide the chief elected official with any technical reports concerning  
1785 the public need, the site selection process and the environmental  
1786 effects of the proposed facility. The municipality may conduct public  
1787 hearings and meetings as it deems necessary for it to advise the person  
1788 or entity submitting the proposal of its recommendations concerning  
1789 the proposed facility. Within sixty days of the initial consultation, the  
1790 municipality shall issue its recommendations to the person or entity  
1791 submitting the proposal. If a person or entity chooses to file an

1792 application pursuant to subdivision (3) of subsection (a) of section 16-  
1793 50l, as amended by this act, then such person or entity shall provide to  
1794 the Connecticut Siting Council a summary of the consultations with  
1795 the municipality, including all recommendations issued by the  
1796 municipality. A person or entity that has complied with this subsection  
1797 shall be exempt from the provisions of subsection (e) of section 16-50l,  
1798 as amended by this act.

1799 (f) Not later than forty-five days after the deadline for submissions  
1800 in response to a request-for-proposal, the [board] commissioner shall  
1801 issue a report that evaluates each proposal received, including any  
1802 proposal contained in an application to the council that initiated a  
1803 request-for-proposal, based on the materials received pursuant to  
1804 subsection (d) of this section, or information contained in the  
1805 application, as required by section 16-50l, as amended by this act, for  
1806 conformance with the infrastructure criteria guidelines created  
1807 pursuant to section 6a-7b. The [board] commissioner shall forward the  
1808 results of such evaluation process to the Connecticut Siting Council.

1809 Sec. 64. Section 16a-9 of the general statutes is repealed and the  
1810 following is substituted in lieu thereof (*Effective July 1, 2006*):

1811 (a) There shall continue to be an energy emergency plan. Said plan  
1812 may include, but not be limited to, the following: (1) Establishment of  
1813 programs, controls, standards, priorities and quotas for the allocation,  
1814 rationing, conservation, distribution and consumption of available  
1815 energy resources, (2) suspension and modification of existing statutes,  
1816 standards and requirements affecting or affected by the use of energy  
1817 resources, (3) adoption of measures affecting the type and composition  
1818 and production and distribution of energy resources, (4) imposition of  
1819 price restrictions on energy resources, (5) adoption of measures  
1820 affecting the hours and days on which public buildings and  
1821 commercial and industrial establishments may be or are required to  
1822 remain open or closed and (6) establishment and implementation of  
1823 regional programs and agreements for the purpose of coordinating  
1824 energy resource programs and actions of the state with those of the



1825 federal government and of other states and localities. Said plan shall  
1826 include such levels of energy emergency as the [secretary]  
1827 Commissioner of Energy Policy and Development shall establish.

1828 (b) The [secretary] commissioner shall prepare or cause to be  
1829 prepared such amendments to the energy emergency plan as he may  
1830 deem necessary. Such amendments shall be submitted to the General  
1831 Assembly no later than fifteen days after the convening of any regular  
1832 session of the General Assembly following the preparation of such  
1833 amendments and shall be referred by the speaker of the House of  
1834 Representatives and the president pro tempore of the Senate to the  
1835 joint standing committee having cognizance of matters relating to  
1836 energy. Said committee shall review such amendments and report its  
1837 recommendations within fifteen days to the General Assembly. The  
1838 General Assembly may by joint resolution disapprove or reject any  
1839 section or sections of such amendments within forty-five days after the  
1840 submittal of such amendments.

1841 Sec. 65. Section 16a-13 of the general statutes is repealed and the  
1842 following is substituted in lieu thereof (*Effective July 1, 2006*):

1843 (a) (1) Any person aggrieved by any order issued under section 16a-  
1844 11 or 16a-12 may file a petition with the [secretary] Commissioner of  
1845 Energy Policy and Development requesting an exemption. The petition  
1846 shall be in such form as the [secretary] commissioner may prescribe.  
1847 The person filing the petition shall be subject to the penalty for making  
1848 a false statement under section 53a-157b.

1849 (2) The [secretary] commissioner may grant an exemption to any  
1850 person who due to certain circumstances is unable to comply with  
1851 such order without suffering inordinate hardship beyond that  
1852 hardship suffered by persons generally, including, but not limited to,  
1853 circumstances where in the absence of such exemption the petitioner  
1854 would: (A) Be prevented from performing activities essential to the  
1855 pursuit of his regular occupation or profession, (B) suffer adverse  
1856 medical effects or be unable to obtain necessary medical treatment, or

1857 (C) incur permanent and substantial injury to person or property. The  
1858 [secretary] commissioner may also grant an exemption to any person  
1859 who performs an essential public service and who would be prevented  
1860 from performing such service or would be impaired in his  
1861 performance in the absence of such exemption.

1862 (3) In making a determination pursuant to this subsection, the  
1863 [secretary] commissioner may compare the relevant circumstances of  
1864 the petitioner with (A) other users of the same fuel, users of other  
1865 fuels, or both, or (B) other persons in the same economic sector or  
1866 subsector, persons in other economic sectors or subsectors, or both, as  
1867 determined by the [secretary] commissioner to be most appropriate in  
1868 terms of the specific energy resource availability situation existing or  
1869 forecast at the time such comparison is made.

1870 (b) The [secretary] commissioner may investigate any such petition  
1871 and consider in his decision any relevant factual finding resulting from  
1872 such investigation. The [secretary] commissioner may accept  
1873 submissions from third parties relevant to such petition, provided the  
1874 petitioner is afforded the opportunity to respond to such third party  
1875 submissions. The [secretary] commissioner may also consider any  
1876 other sources of relevant information in deciding the petition before  
1877 him. The [secretary] commissioner may hold an informal hearing, if, in  
1878 his opinion, such hearing is advisable.

1879 (c) If the [secretary] commissioner determines that there is  
1880 insufficient information upon which to base a decision and if upon  
1881 request the required additional information is not furnished, the  
1882 petition may be dismissed without prejudice. The [secretary]  
1883 commissioner shall grant, deny or dismiss without prejudice such  
1884 petition not more than thirty days after receipt of such petition. The  
1885 [secretary] commissioner may make his decision granting an  
1886 exemption conditional upon the petitioner's taking actions specified in  
1887 such decision. Upon the granting, denying or dismissal of such  
1888 petition, the [secretary] commissioner shall notify the petitioner, in  
1889 writing, the reasons for his decision.

1890 (d) The [secretary] commissioner may reconsider and alter any  
1891 decision under this section as he deems necessary to implement such  
1892 plan, or any provision of such plan or any order adopted pursuant to  
1893 section 16a-11 or 16a-12. The [secretary] commissioner may suspend or  
1894 revoke any exemption for any reason including, but not limited to: (1)  
1895 Changed circumstances where the grounds for granting an exemption  
1896 to the petitioner have ceased to exist, (2) failure on the part of the  
1897 petitioner to comply with conditions specified in the [secretary's]  
1898 commissioner's decision granting the exemption, or (3) where the  
1899 exemption was issued by mistake or on the basis of misrepresentation  
1900 or false pretenses on the part of the petitioner.

1901 (e) The provisions of sections 4-176e to 4-181a, inclusive, shall not  
1902 apply to any proceeding held pursuant to subsections (a) to (d),  
1903 inclusive, of this section. Any person aggrieved by the decision of the  
1904 [secretary] commissioner may appeal such decision in accordance with  
1905 the provisions of sections 4-183 and 4-184.

1906 (f) The [secretary] commissioner shall adopt regulations, in  
1907 accordance with chapter 54, establishing administrative procedures to  
1908 implement the provisions of this section with respect to petitions for  
1909 exemption.

1910 Sec. 66. Section 16a-13a of the general statutes is repealed and the  
1911 following is substituted in lieu thereof (*Effective July 1, 2006*):

1912 (a) The [secretary] commissioner, in granting or denying an  
1913 exemption under section 16a-13, as amended by this act, may take into  
1914 account past levels of energy consumption or changes therein on the  
1915 part of the person seeking such exemption.

1916 (b) The [secretary] commissioner may adopt regulations, in  
1917 accordance with chapter 54, which establish procedures for  
1918 documenting past levels of energy consumption or changes therein for  
1919 the purposes of an exemption under said section 16a-13.

1920 (c) The [secretary] commissioner may grant an exemption if he

determines that the person seeking the exemption has fulfilled the conditions contained in such regulations. The regulations shall permit exemption: (1) In cases where the applicant documents an absolute reduction in energy consumption over such periods of time as the regulations may establish, which periods may vary for different categories of persons, and the reduction is the result of physical or behavioral changes or adjustments undertaken for energy conservation purposes and not from changes or modifications undertaken for other purposes, such as alterations in building size, extent or type of production capacity or utilization thereof, or changes in the nature or number of work force employed, which changes were not undertaken for energy conservation purposes; or (2) in cases where the applicant documents that his consumption of energy is substantially less than that of other persons in like circumstances over such period of time as the regulations may establish, which periods may vary for different categories of persons, and the level of consumption is due to physical or behavioral factors, changes or adjustments, undertaken for energy conservation purposes and not from factors, changes or modifications not so related.

(d) The regulations may provide that reductions in or levels of energy consumption which occur subsequent to the proclamation of an energy emergency pursuant to section 16a-11 or section 16a-12 shall not constitute the basis for exemption unless the reductions are due solely to actions undertaken prior to such proclamation.

Sec. 67. Section 16a-13b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

(a) The [secretary] Commissioner of Energy Policy and Development shall: (1) Be responsible for the conduct and administration of energy emergency planning and preparedness activities generally, including the coordination of such activities under this title with other state emergency planning conducted under any other provisions of the general statutes or special acts and with energy emergency planning or preparedness activities undertaken by the

1954 federal government, other states and regional or interstate  
1955 organizations, and (2) coordinate, under the direction of the office of  
1956 the Governor, the adoption and implementation of emergency  
1957 measures by state departments during any energy emergency  
1958 proclaimed under section 16a-11 or section 16a-12, including the  
1959 coordination of state, federal, regional and interstate activities.

1960 (b) In exercising the responsibilities under subsection (a) of this  
1961 section, the [secretary] commissioner shall consult with the  
1962 Department of Emergency Management and Homeland Security, the  
1963 Department of Public Safety, the Department of Public Utility Control,  
1964 the Department of Transportation and such other state agencies as the  
1965 [secretary] commissioner deems appropriate. Each state agency shall  
1966 assist the [secretary] commissioner in carrying out the responsibilities  
1967 assigned by sections 16a-9 to 16a-13d, inclusive, as amended by this  
1968 act.

1969 Sec. 68. Section 16a-14a of the general statutes is repealed and the  
1970 following is substituted in lieu thereof (*Effective July 1, 2006*):

1971 (a) The [secretary] Commissioner of Energy Policy and  
1972 Development may develop a program to provide grants to small  
1973 businesses located within the state which are active in research,  
1974 development, demonstration or commercial activities involving  
1975 energy-related products and services for which funding from federal  
1976 and other nonstate sources is not available. Such assistance shall be  
1977 designed to carry out the purposes of this chapter and chapter 298.

1978 (b) The [secretary] Commissioner of Energy Policy and  
1979 Development shall adopt regulations, in accordance with chapter 54, in  
1980 consultation with the Commissioner of Economic and Community  
1981 Development, to govern the operation of any such grant program and  
1982 to define small businesses, or specific categories thereof, which are  
1983 eligible for such grants. Priority shall be accorded to the development  
1984 of small scale technology applicable to residential dwellings and  
1985 municipal facilities.

1986 Sec. 69. Section 16a-14b of the general statutes is repealed and the  
1987 following is substituted in lieu thereof (*Effective July 1, 2006*):

1988 (a) The [secretary] Commissioner of Energy Policy and  
1989 Development shall develop voluntary testing programs for energy-  
1990 related products or categories of such products. Such testing shall be  
1991 designed to protect the interests of consumers by providing reliable  
1992 information on such products, and may include the evaluation of the  
1993 energy efficiency, durability, reliability, health and safety aspects, life-  
1994 cycle cost or other performance qualities of such products.

1995 (b) The [secretary] Commissioner of Energy Policy and  
1996 Development, in consultation with the Commissioner of Consumer  
1997 Protection, shall adopt regulations, in accordance with chapter 54,  
1998 establishing provisions (1) for standardized procedures for the  
1999 performance of such testing; (2) for categories of energy-related  
2000 products to be covered by such testing procedures; (3) to differentiate  
2001 between the testing of experimental energy-related products and  
2002 commercial energy-related products, to determine the range of models  
2003 produced by a specific manufacturer to which testing results will  
2004 apply and to ensure that products submitted for testing constitute a  
2005 representative sample of those produced within such range by said  
2006 manufacturer; (4) for a standardized format for the compilation of  
2007 information from such tests which shall include all relevant  
2008 information from each type of test performed on a product; (5) for the  
2009 designation of qualified state or state-certified facilities to perform  
2010 such testing; provided, no person or organization which has any  
2011 pecuniary interest in the manufacture, distribution or sale of energy-  
2012 related products within or without the state shall be eligible for such  
2013 designation; and (6) for a schedule of reasonable fees for the  
2014 performance of such tests or a procedure for establishing such a  
2015 schedule.

2016 Sec. 70. Section 16a-14e of the general statutes is repealed and the  
2017 following is substituted in lieu thereof (*Effective July 1, 2006*):

2018       The [Office of Policy and Management] Commissioner of Energy  
2019 Policy and Development shall operate a purchasing pool for the  
2020 purchase of electricity for state operations. [Said office] The  
2021 commissioner shall provide the opportunity to participate in such  
2022 purchasing pool to each household that includes an individual who  
2023 receives means-tested assistance administered by the state or federal  
2024 government. Any such household shall receive through such  
2025 purchasing pool the same benefits and rate discounts available for  
2026 state facilities. The [Office of Policy and Management] commissioner  
2027 shall use federal and state energy assistance funds to leverage the  
2028 lowest practicable electric rates for households participating in such  
2029 pool, provided such funds shall not be used for administrative  
2030 purposes. The provisions of section 16-245 shall not apply to the  
2031 [Office of Policy and Management] commissioner for purposes of this  
2032 section.

2033       Sec. 71. Section 16a-16 of the general statutes is repealed and the  
2034 following is substituted in lieu thereof (*Effective July 1, 2006*):

2035       (a) This chapter may be enforced by the [Secretary of the Office of  
2036 Policy and Management] Commissioner of Energy Policy and  
2037 Development in the superior court for any judicial district in which  
2038 any person who violates any provisions of this chapter resides or  
2039 maintains a place of business by an ex parte temporary injunction  
2040 issued by said court or a judge thereof; provided, if such injunction is  
2041 issued, such person may file a motion to dissolve such injunction and a  
2042 hearing upon such motion shall be held by the superior court not later  
2043 than three days after service of such motion upon the Governor  
2044 pursuant to an order of said court or a judge thereof. If a permanent  
2045 injunction is granted, such person may be assessed damages of not  
2046 more than ten thousand dollars plus court costs.

2047       (b) The provisions of this section are not exclusive, and the remedies  
2048 provided for in this section shall be in addition to any other remedy  
2049 provided for in any other section of the general statutes or available  
2050 under common law.

2051 Sec. 72. Section 16a-20 of the general statutes is repealed and the  
2052 following is substituted in lieu thereof (*Effective July 1, 2006*):

2053 (a) The [Office of Policy and Management] Commissioner of Energy  
2054 Policy and Development may institute a civil action in the Superior  
2055 Court, or in the United States District Court, where applicable, against  
2056 any person, firm, corporation, business or combination thereof it  
2057 believes, or has reason to believe, has violated sections 16a-17 to 16a-  
2058 20, inclusive, as amended by this act, to enjoin said parties from  
2059 continuing such conduct within this state and to seek repayment of  
2060 damages on behalf of those individuals, businesses and industries  
2061 harmed by said activities. In such actions it shall be represented by the  
2062 Attorney General.

2063 (b) Upon the institution of such civil action, the Attorney General  
2064 shall have the right to take the deposition of any witness he believes,  
2065 or has reason to believe, has information relative to the prosecution of  
2066 said action, upon application made to the Superior Court,  
2067 notwithstanding the provisions of other statutes limiting depositions.  
2068 The Attorney General shall also have the right to take such depositions  
2069 in other states and to utilize the laws of said other states relative to the  
2070 taking of depositions where allowed by the laws of those states. The  
2071 state of Connecticut shall allow similar depositions to be taken within  
2072 this state on behalf of any governmental agency of another state or any  
2073 territory or possession of the United States seeking to pursue litigation  
2074 similar to that permitted under sections 16a-17 to 16a-20, inclusive, as  
2075 amended by this act, so long as such other state allows the Attorney  
2076 General to take depositions within its jurisdiction. In so doing, the  
2077 Superior Court shall enforce the orders of the courts of such other state  
2078 relative to the deposition requested and issue subpoenas or subpoenas  
2079 duces tecum, as necessary, as well as enforcing said subpoenas  
2080 through citations of contempt or other available remedies.

2081 (c) In any case where damages referred to in subsection (a) of this  
2082 section shall be proven by a fair preponderance of the evidence, the  
2083 court shall order repayment by any or all defendants of said damages



2084 to the applicable parties or businesses through the [Office of Policy and  
2085 Management] Department of Energy Policy and Development.

2086 (d) The court shall also have the right, in its discretion, to assess  
2087 treble damages against said defendants.

2088 (e) Any such civil action shall be privileged in assignment for trial.

2089 Sec. 73. Section 16a-22 of the general statutes is repealed and the  
2090 following is substituted in lieu thereof (*Effective July 1, 2006*):

2091 (a) Any person engaged in the business of selling petroleum  
2092 products, as defined in section 16a-22c, as amended by this act, on a  
2093 wholesale basis who has sufficient knowledge of an impending  
2094 shortage in the availability of petroleum products, as defined in section  
2095 16a-22c, as amended by this act, or any officer or manager of a firm or  
2096 corporation engaged in such business who has such knowledge, shall  
2097 cause to be given immediate written notice of any possible inability as  
2098 a result of such shortage to deliver petroleum products, as defined in  
2099 section 16a-22c, as amended by this act, to the [Secretary of the Office  
2100 of Policy and Management] Commissioner of Energy Policy and  
2101 Development and to each retail oil dealer engaged in the business of  
2102 supplying petroleum products, as defined in section 16a-22c, as  
2103 amended by this act, for residential heating that such person, firm or  
2104 corporation customarily supplies with petroleum products, as defined  
2105 in section 16a-22c, as amended by this act, on a wholesale basis. No  
2106 such person engaged in the business of selling petroleum products, as  
2107 defined in section 16a-22c, as amended by this act, on a wholesale basis  
2108 and no such officer or manager shall discriminate, in the percentage of  
2109 supplies delivered, against independent retail oil dealers in favor of  
2110 dealers affiliated with such supplier.

2111 (b) Any person engaged in the business of distributing or selling  
2112 petroleum products, as defined in section 16a-22c, as amended by this  
2113 act, on a wholesale basis who intends to terminate the supply of  
2114 petroleum products, as defined in section 16a-22c, as amended by this  
2115 act, to a retail dealer shall give written notice at least fourteen days in

2116 advance of such termination to the retail dealer, the municipality or  
2117 municipalities in which the retail dealer distributes and the [Secretary  
2118 of the Office of Policy and Management] Commissioner of Energy  
2119 Policy and Development concerning such proposed termination of  
2120 supply.

2121 (c) Any person, firm or corporation who violates the provisions of  
2122 this section shall be fined one thousand dollars for each violation.

2123 Sec. 74. Section 16a-22c of the general statutes is repealed and the  
2124 following is substituted in lieu thereof (*Effective July 1, 2006*):

2125 For the purposes of sections [16a-15 and] 16a-22c to 16a-22g,  
2126 inclusive, as amended by this act:

2127 (1) "Company" means any corporation, partnership, proprietorship  
2128 or any other business, firm or commercial entity;

2129 (2) "Petroleum products" means middle distillate, residual fuel oil,  
2130 liquefied petroleum gas, motor gasoline, aviation gasoline or aviation  
2131 turbine fuel, as defined in regulations which the [secretary]  
2132 commissioner shall adopt in accordance with the provisions of chapter  
2133 54. Notwithstanding any provision of this subdivision to the contrary,  
2134 "petroleum products" shall not include gasoline other than aviation  
2135 gasoline, which is sold at retail in accordance with the provisions of  
2136 chapter 250;

2137 (3) ["Secretary" means the Secretary of the Office of Policy and  
2138 Management, or his] "Commissioner" means the Commissioner of  
2139 Energy Policy and Development or the commissioner's designee.

2140 Sec. 75. Section 16a-22d of the general statutes is repealed and the  
2141 following is substituted in lieu thereof (*Effective July 1, 2006*):

2142 (a) (1) Any person that is engaged in the wholesale or retail sale, or  
2143 both, of petroleum products in this state or in the wholesale sale of  
2144 petroleum products for consumption in this state and that sells at least  
2145 one million gallons of such products annually or any person that is

2146 engaged in the operation of a petroleum product storage terminal or  
2147 petroleum product pipeline shall register with the [secretary]  
2148 commissioner not later than September thirtieth of each year or not  
2149 later than thirty days of commencing operations in the state by such  
2150 person, whichever is later.

2151 (2) Any person that is engaged in the wholesale or retail sale, or  
2152 both, of petroleum products in this state or in the wholesale sale of  
2153 petroleum products for consumption in this state and that sells at least  
2154 five thousand but less than one million gallons of such products  
2155 annually shall register with the [secretary] commissioner, if so  
2156 requested by the [secretary] commissioner, not more than thirty days  
2157 after such request. The [secretary] commissioner shall not require such  
2158 registration more than once in any twelve-month period.

2159 (3) Such registration shall be on a form prescribed or furnished by  
2160 the [secretary] commissioner and shall require the registrant, subject to  
2161 the penalty for false statement under section 53a-157b, to provide the  
2162 following information: (A) The name, mailing address and telephone  
2163 number of the registrant; (B) the name, mailing address and telephone  
2164 number of any company with which the registrant is affiliated, and  
2165 whether any such affiliated company is engaged in the wholesale or  
2166 retail sale, or both, or the delivery into or storage of petroleum  
2167 products in this state or another state, or both; (C) whether the  
2168 registrant engages in wholesale operations, retail operations, or both,  
2169 or the delivery into or storage of petroleum products and whether the  
2170 registrant engages in sales to residential customers; (D) any other  
2171 names and places of business used by the registrant to conduct  
2172 business; and (E) any further information which the [secretary]  
2173 commissioner may request pursuant to this title.

2174 (b) For the purposes of this section, "affiliated" means the existence  
2175 of one or more of the following relationships between the registrant  
2176 and any other company: (1) The registrant owns or is owned by, in  
2177 whole or in part, another company; (2) the registrant has one or more  
2178 common officers or directors with another company; (3) the registrant

owns facilities or equipment in common with another company; (4) the registrant engages in common operations or joint ventures with another company; or (5) the registrant controls the activities of another company, or the activities of the registrant are controlled by another company.

Sec. 76. Section 16a-22e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

The [secretary] commissioner shall maintain a public listing of persons engaging in the wholesale or retail sale of petroleum products who have registered in accordance with section 16a-22d, as amended by this act. Such public listing shall include the information provided in accordance with subdivisions (1) and (3) of subsection (a) of [said] section 16a-22d, as amended by this act.

Sec. 77. Section 16a-22h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

(a) (1) Each person, firm or corporation which is required to register pursuant to section 16a-22d, as amended by this act, which engages in the wholesale or retail sale, or both, of propane in the state and which sells at least five hundred thousand gallons of such product annually, shall report to the [Secretary of the Office of Policy and Management] Commissioner of Energy Policy and Development upon the request of the [secretary] commissioner and on such forms as prescribed by the [secretary] commissioner, not later than the fifteenth day of each month for which the [secretary] commissioner requests a report. Such report shall state the number of gallons held in storage on the last day of the previous month, the location of each storage facility in which the propane was stored, the number of gallons of propane held for shipment out of state and the estimated number of days' supply represented by the gallons held in storage.

(2) Any person, firm or corporation who engages in the sale, other than at retail, of propane in the state shall report to the [secretary] commissioner upon the request of the [secretary] commissioner and on

2211 such forms as prescribed by the [secretary] commissioner, not later  
2212 than the fifteenth of each month for which the [secretary]  
2213 commissioner requests a report. Such report shall state the number of  
2214 gallons of propane sold, other than at retail, during the previous  
2215 calendar month and the estimated number of gallons to be sold during  
2216 the current month.

2217 (b) (1) Each person, firm or corporation which is required to register  
2218 pursuant to section 16a-22d, as amended by this act, which engages in  
2219 the wholesale or retail sale, or both, of number two distillate fuel in the  
2220 state, in excess of five million gallons of such product annually, shall  
2221 report to the [Secretary of the Office of Policy and Management]  
2222 commissioner upon the request of the [secretary] commissioner and on  
2223 such forms as prescribed by the [secretary] commissioner, not later  
2224 than the fifteenth day of each month for which the [secretary]  
2225 commissioner requests a report. Such report shall state the number of  
2226 gallons held in storage on the last day of the previous month, the  
2227 location of each storage facility in which the number two distillate fuel  
2228 was stored, the number of gallons of number two distillate fuel held  
2229 for shipment out of state and the estimated number of days' supply  
2230 represented by the gallons held in storage. In any such report number  
2231 two heating oil and diesel fuel shall be reported separately.

2232 (2) Any person, firm or corporation who engages in the sale, other  
2233 than at retail, of number two distillate fuel in the state shall report to  
2234 the [secretary] commissioner upon the request of the [secretary]  
2235 commissioner and on such forms as prescribed by the [secretary]  
2236 commissioner, not later than the fifteenth of each month for which the  
2237 [secretary] commissioner requests a report. Such report shall state the  
2238 number of gallons of number two distillate fuel sold, other than at  
2239 retail, during the previous calendar month and the estimated number  
2240 of gallons to be sold during the current month. In any such report  
2241 number two heating oil and diesel fuel shall be reported separately.

2242 (c) Any person, firm or corporation who violates subsection (a) or  
2243 (b) of this section shall be fined not more than one hundred dollars for

2244 the first offense nor more than five hundred dollars for each  
2245 subsequent offense.

2246 (d) The [Secretary of the Office of Policy and Management]  
2247 commissioner may adopt regulations, in accordance with the  
2248 provisions of chapter 54, to establish reporting requirements for other  
2249 petroleum products, as defined in subdivision (2) of section 16a-22c, as  
2250 amended by this act.

2251 Sec. 78. Section 16a-22i of the general statutes is repealed and the  
2252 following is substituted in lieu thereof (*Effective July 1, 2006*):

2253 Notwithstanding any other provision of the general statutes to the  
2254 contrary, whenever the [Secretary of the Office of Policy and  
2255 Management] Commissioner of Energy Policy and Development finds  
2256 that conditions in the petroleum products market require additional  
2257 sales, inventory or price information for a complete analysis of such  
2258 market the [secretary] commissioner may require any person, firm or  
2259 corporation engaged in the sale or storage of petroleum products in the  
2260 state to provide such information concerning the petroleum products  
2261 market as he directs.

2262 Sec. 79. Section 16a-22j of the general statutes is repealed and the  
2263 following is substituted in lieu thereof (*Effective July 1, 2006*):

2264 Each person, firm or corporation, registered pursuant to section 16a-  
2265 22d, as amended by this act, shall notify the [Secretary of the Office of  
2266 Policy and Management] Commissioner of Energy Policy and  
2267 Development, in writing, within thirty days of the sale or acquisition  
2268 of another person, firm or corporation registered, pursuant to said  
2269 section, or of a change in the current business practices of such person,  
2270 firm or corporation. As used in this section "current business practices"  
2271 shall include the sale or acquisition of petroleum storage facilities, the  
2272 withdrawal from or entry into a petroleum market or any activity  
2273 which would alter the information provided in the registrants most  
2274 recent registration.

2275 Sec. 80. Subsection (f) of section 16a-23t of the 2006 supplement to  
2276 the general statutes is repealed and the following is substituted in lieu  
2277 thereof (*Effective July 1, 2006*):

2278 (f) The chairperson of the Public Utilities Control Authority, or the  
2279 chairperson's designee, the Commissioner of Social Services, or the  
2280 commissioner's designee, [the chairperson of the Connecticut Energy  
2281 Advisory Board, and the Secretary of the Office of Policy and  
2282 Management, or the secretary's] and the Commissioner of Energy  
2283 Policy and Development, or the commissioner's designee, shall  
2284 constitute a Home Heating Oil Planning Council to address issues  
2285 involving the supply, delivery and costs of home heating oil and state  
2286 policies regarding the future of the state's home heating oil supply. The  
2287 [Secretary of the Office of Policy and Management] Commissioner of  
2288 Energy Policy and Development shall convene the first meeting of the  
2289 council.

2290 Sec. 81. Section 16a-37f of the general statutes is repealed and the  
2291 following is substituted in lieu thereof (*Effective July 1, 2006*):

2292 A budgeted agency, as defined in section 4-69, shall only purchase  
2293 replacement light bulbs which (1) are provided under an electric  
2294 company's customer lighting efficiency program, (2) are equivalent in  
2295 energy efficiency to bulbs provided under such electric company  
2296 lighting efficiency program, as determined by the [Secretary of the  
2297 Office of Policy and Management] Commissioner of Energy Policy and  
2298 Development, in consultation with the Commissioner of  
2299 Administrative Services, or (3) meet such other life-cycle cost analysis  
2300 standards as the [Secretary of the Office of Policy and Management]  
2301 Commissioner of Energy Policy and Development, with the  
2302 concurrence of the Commissioner of Administrative Services, may  
2303 designate.

2304 Sec. 82. Section 16a-37u of the general statutes is repealed and the  
2305 following is substituted in lieu thereof (*Effective July 1, 2006*):

2306 (a) The [Secretary of the Office of Policy and Management]

2307 Commissioner of Energy Policy and Development shall be responsible  
2308 for planning and managing energy use in state-owned and leased  
2309 buildings and shall establish a program to maximize the efficiency  
2310 with which energy is utilized in such buildings. The [secretary]  
2311 commissioner shall exercise this authority by (1) preparing and  
2312 implementing annual and long-range plans, with timetables,  
2313 establishing goals for reducing state energy consumption and, based  
2314 on energy audits, specific objectives for state agencies to meet the  
2315 performance standards adopted under section 16a-38, as amended by  
2316 this act; (2) coordinating federal and state energy conservation  
2317 resources and activities, including but not limited to, those required to  
2318 be performed by other state agencies under this chapter; and (3)  
2319 monitoring energy use and costs by budgeted state agencies on a  
2320 monthly basis.

2321 (b) Not later than January fifth, annually, the [Secretary of the Office  
2322 of Policy and Management] Commissioner of Energy Policy and  
2323 Development shall submit a report to the Governor and the joint  
2324 standing committee of the General Assembly having cognizance of  
2325 matters relating to energy planning and activities. The report shall (1)  
2326 indicate the total number of energy audits and technical assistance  
2327 audits of state-owned and leased buildings, (2) summarize the status of  
2328 the energy conservation measures recommended by such audits, (3)  
2329 summarize all energy conservation measures implemented during the  
2330 preceding twelve months in state-owned and leased buildings which  
2331 have not had such audits, (4) analyze the availability and allocation of  
2332 funds to implement the measures recommended under subdivision (2)  
2333 of this subsection, (5) list each budgeted agency, as defined in section  
2334 4-69, which occupies a state-owned or leased building and has not  
2335 cooperated with the Commissioner of Public Works and the [Secretary  
2336 of the Office of Policy and Management] Commissioner of Energy  
2337 Policy and Development in conducting energy and technical assistance  
2338 audits of such building and implementing operational and  
2339 maintenance improvements recommended by such audits and any  
2340 other energy conservation measures required for such building by the



2341 [secretary] Commissioner of Energy Policy and Development, (6)  
2342 summarize all life-cycle cost analyses prepared under section 16a-38,  
2343 as amended by this act, during the preceding twelve months, and  
2344 summarize agency compliance with the life-cycle cost analyses, and (7)  
2345 identify any state laws, regulations or procedures that impede  
2346 innovative energy conservation and load management projects in state  
2347 buildings.

2348 (c) The [Secretary of the Office of Policy and Management]  
2349 Commissioner of Energy Policy and Development, in conjunction with  
2350 the Department of Public Works, shall as soon as practicable and  
2351 where cost-effective connect all state-owned buildings to a district  
2352 heating and cooling system, where such heating and cooling system  
2353 currently exists or where one is proposed. The [secretary]  
2354 Commissioner of Energy Policy and Development, in conjunction with  
2355 the Department of Public Works, shall prepare an annual report with  
2356 the results of the progress in connecting state-owned buildings to such  
2357 a heating and cooling system, the cost of such connection and any  
2358 projected energy savings achieved through any such connection. The  
2359 [secretary] Commissioner of Energy Policy and Development shall  
2360 submit the report to the joint standing committee of the General  
2361 Assembly having cognizance of matters relating to energy on or before  
2362 January 1, 1993, and January first annually thereafter.

2363 (d) The [Secretary of the Office of Policy and Management]  
2364 Commissioner of Energy Policy and Development shall require each  
2365 state agency to maximize its use of public service companies' energy  
2366 conservation and load management programs and to provide sites in  
2367 its facilities for demonstration projects of highly energy efficient  
2368 equipment, provided no such demonstration project impairs the  
2369 functioning of the facility.

2370 Sec. 83. Section 16a-37v of the general statutes is repealed and the  
2371 following is substituted in lieu thereof (*Effective July 1, 2006*):

2372 Not later than July 1, 2004, the [Office of Policy and Management]

2373 Department of Energy Policy and Development and the Department of  
2374 Public Works shall establish a pilot program under which the state  
2375 selects an existing state facility or complex of facilities to be covered by  
2376 an energy performance contract with a private vendor. The agencies  
2377 that participate in the pilot program shall submit reports on the results  
2378 of the program to the joint standing committees of the General  
2379 Assembly having cognizance of matters relating to appropriations and  
2380 energy and technology in accordance with section 11-4a. Such reports  
2381 shall be submitted not later than three months after the effective date  
2382 of the contract and annually thereafter until the final report is  
2383 submitted not later than three months after the termination of the  
2384 contract.

2385 Sec. 84. Section 16a-38 of the general statutes is repealed and the  
2386 following is substituted in lieu thereof (*Effective July 1, 2006*):

2387 (a) As used in this section, subsection (e) of section 4b-23, as  
2388 amended, sections 16a-38a, as amended by this act, and 16a-38b, as  
2389 amended by this act, unless the context otherwise requires: (1) "Major  
2390 capital project" means the construction or renovation of a major  
2391 facility; (2) "major facility" means any building owned by the state or  
2392 constructed or renovated wholly or partly with state funds, including a  
2393 state-financed housing project, which is used or intended to be used as  
2394 a school or which has ten thousand or more gross square feet, or any  
2395 other building so owned, constructed or renovated which is  
2396 designated a major facility by the Commissioner of Public Works; (3)  
2397 "renovation" means additions, alterations or repairs to a major facility  
2398 which the Commissioner of Public Works finds will have a substantial  
2399 effect upon the energy consumption of the facility; (4) "life-cycle cost"  
2400 means the cost, as determined by the methodology identified in the  
2401 National Institute of Standards and Technology's special publication  
2402 544 and interagency report 80-2040, available as set forth in the Code of  
2403 Federal Regulations, Title 15, Part 230, of a major facility including the  
2404 initial cost of its construction or renovation, the marginal cost of future  
2405 energy capacity, the cost of the energy consumed by the facility over  
2406 its expected useful life or, in the case of a leased facility, over the

2407 remaining term of the lease, and the cost of operating and maintaining  
2408 the facility as such cost affects energy consumption; (5) "energy  
2409 performance standard" means a rate of energy consumption which is  
2410 the minimum practically achievable, on a life-cycle cost basis, by  
2411 adjusting maintenance or operating procedures, modifying a  
2412 building's equipment or structure and utilizing renewable sources of  
2413 energy; (6) "energy audit" means an evaluation of, recommendations  
2414 for and improvements of the energy consumption characteristics of all  
2415 passive, active and operational energy systems and components by  
2416 demand and type of energy used including the internal energy load  
2417 imposed on a building by its occupants, equipment and components,  
2418 and the external energy load imposed on a building by the climatic  
2419 conditions at its location; (7) "renewable sources of energy" means  
2420 energy from direct solar radiation, wind, water, geothermal sources,  
2421 wood and other forms of biomass; (8) "cost effective" means that  
2422 savings exceed cost over a ten-year period; (9) "state agency" means  
2423 any department, board, commission, institution, or other agency of this  
2424 state; and (10) "covered products" means the consumer products set  
2425 forth as covered products in the Energy Policy and Conservation Act,  
2426 42 USC 6292.

2427 (b) (1) Except as provided in subsection (f) of this section, the  
2428 Commissioner of Public Works and the [Secretary of the Office of  
2429 Policy and Management] Commissioner of Energy Policy and  
2430 Development shall jointly establish and publish standards for life-cycle  
2431 cost analyses required by this section for buildings owned or leased by  
2432 the state. Such life-cycle cost analyses for buildings shall provide, but  
2433 shall not be limited to, information on the estimated initial cost of each  
2434 energy-consuming system being compared and evaluated, annual  
2435 operating and maintenance costs of all energy-consuming systems  
2436 over the useful life of the building, cost of energy, salvage value and  
2437 the estimated replacement cost for each energy-consuming system or  
2438 component expressed in annual terms for the useful life of the  
2439 building.

2440 (2) Except as provided in subsection (f) of this section, the

2441 Commissioner of Administrative Services and the [Secretary of the  
2442 Office of Policy and Management] Commissioner of Energy Policy and  
2443 Development may jointly establish and publish standards for life-cycle  
2444 cost analyses required by this section for equipment and appliances  
2445 owned or leased by the state which are not covered products, and for  
2446 such equipment and appliances which are covered products. In  
2447 establishing such standards, the [commissioner and secretary]  
2448 commissioners shall consider the criteria set forth in subsection (j) of  
2449 this section.

2450 (c) No state agency shall obtain preliminary design approval for a  
2451 major capital project unless the Commissioner of Public Works makes  
2452 a written determination that the design is cost effective on a life-cycle  
2453 cost basis. To make such a determination, the commissioner (1) shall  
2454 require documentation that the design meets or exceeds the standards  
2455 set forth in the National Bureau of Standards Handbook 135, or  
2456 subsequent corresponding handbook of the United States Department  
2457 of Commerce and the State Building Code, and (2) may require  
2458 additional documentation, including, but not limited to, a life-cycle  
2459 cost analysis that complies with the standards established pursuant to  
2460 subdivision (1) of subsection (b) of this section.

2461 (d) All design proposals for major capital projects shall include at  
2462 least two differing energy systems for space heating, cooling and hot  
2463 water to supplement the passive features designed into the building.  
2464 Such proposals may include computer or other analytical modeling or  
2465 simulation but shall not be construed to require the development of  
2466 architectural or mechanical design plans for each such system. All cost  
2467 evaluations of the competing energy systems shall be based on life-  
2468 cycle costs. A life-cycle cost analysis for each competing energy system  
2469 determined by the Commissioner of Public Works to meet the  
2470 standards of subsection (b) of this section shall be included as part of  
2471 the design proposal for all projects. No major capital project shall be  
2472 approved by the Commissioner of Public Works or by the State  
2473 Properties Review Board pursuant to section 4b-23, as amended, after  
2474 June 30, 1980, unless the proposed project achieves to the maximum

2475 extent practicable the energy performance standards established in  
2476 accordance with subsection (b) or (g) of this section.

2477 (e) All applications for state funding of major capital projects shall  
2478 be accompanied by a life-cycle cost analysis which the Commissioner  
2479 of Public Works has determined complies with the standards  
2480 established pursuant to subsection (b) of this section. The  
2481 Commissioner of Public Works or the [Secretary of the Office of Policy  
2482 and Management] Commissioner of Energy Policy and Development  
2483 may require such a life-cycle cost analysis for projects other than major  
2484 capital projects.

2485 (f) The Commissioner of Economic and Community Development  
2486 and the [Secretary of the Office of Policy and Management]  
2487 Commissioner of Energy Policy and Development shall jointly  
2488 establish and publish energy performance standards for buildings  
2489 constructed as part of state-owned and state-financed housing projects  
2490 and establish standards for life-cycle cost analyses for such projects. In  
2491 establishing such standards, the [commissioner and secretary]  
2492 commissioners shall consider (1) the coordination, positioning and  
2493 solar orientation of the project on its situs, (2) the amount of glazing,  
2494 degree of sun shading and direction of exposure, (3) the levels of  
2495 insulation incorporated into the design, (4) the variable occupancy and  
2496 operating conditions of the facility, (5) all architectural features which  
2497 affect energy consumption, and (6) the design and location of all  
2498 heating, cooling, hot water and electrical systems.

2499 (g) Notwithstanding any provision in this section concerning the  
2500 review of life-cycle cost analyses by the Commissioner of Public  
2501 Works, a life-cycle cost analysis of a major capital project prepared for  
2502 the Department of Housing shall be reviewed by the Commissioner of  
2503 Economic and Community Development and the [Secretary of the  
2504 Office of Policy and Management] Commissioner of Energy Policy and  
2505 Development to determine if such analysis is in compliance with the  
2506 life-cycle cost analyses standards established for such project under  
2507 subsection (f) of this section.

2508 (h) Each state agency preparing a life-cycle cost analysis under this  
2509 section shall submit a summary of the analysis to the [Secretary of the  
2510 Office of Policy and Management] Commissioner of Energy Policy and  
2511 Development.

2512 (i) Except as provided in subsection (f) of this section, the  
2513 Commissioner of Public Works and the [Secretary of the Office of  
2514 Policy and Management] Commissioner of Energy Policy and  
2515 Development shall jointly establish and publish energy performance  
2516 standards for existing and new buildings owned or leased by the state.  
2517 Such standards shall require maximum efficiency in energy use in all  
2518 such buildings and maximum practicable use of renewable sources of  
2519 energy in all such buildings. In establishing such standards, the  
2520 [commissioner and secretary] commissioners shall consider (1) the  
2521 coordination, positioning and solar orientation of the project on its  
2522 situs, (2) the amount of glazing, degree of sun shading and direction of  
2523 exposure, (3) the levels of insulation incorporated into the design, (4)  
2524 the variable occupancy and operating conditions of the facility, (5) all  
2525 architectural features which affect energy consumption, and (6) the  
2526 design and location of all heating, cooling, hot water and electrical  
2527 systems.

2528 (j) Except as provided in subsection (f) of this section, the  
2529 Commissioner of Administrative Services and the [Secretary of the  
2530 Office of Policy and Management] Commissioner of Energy Policy and  
2531 Development may jointly establish and publish energy performance  
2532 standards for equipment and appliances owned or leased by the state  
2533 which are not covered products, and for such equipment and  
2534 appliances which are covered products. Any such standards shall  
2535 require maximum energy efficiency for all such equipment and  
2536 appliances and, for equipment and appliances owned or leased by the  
2537 state which are covered products, shall be more stringent than the  
2538 corresponding federal energy conservation standards set forth in the  
2539 Energy Policy and Conservation Act, 42 USC 6295, or federal  
2540 regulations adopted thereunder. In establishing such standards, the  
2541 [commissioner and secretary] commissioners shall consider, without

2542 limitation, (1) the initial cost of the equipment or appliance, (2) the  
2543 projected useful lifetime of the equipment or appliance, (3) the  
2544 projected cost of the energy that the equipment or appliance will  
2545 consume over its projected useful lifetime, (4) the estimated operating  
2546 costs for maintenance and repair, over the projected useful lifetime of  
2547 the equipment or appliance, and (5) the positive or negative salvage  
2548 value of the equipment or appliance upon disposal at the conclusion of  
2549 its projected useful lifetime.

2550 (k) Any life-cycle cost analysis standards established pursuant to  
2551 subdivision (2) of subsection (b) of this section and any energy  
2552 performance standards established pursuant to subsection (j) of this  
2553 section shall be implemented in accordance with the purchasing  
2554 requirements set forth in chapter 58, and any regulations adopted  
2555 thereunder, and the provisions of this section and section 16a-38j, as  
2556 amended by this act.

2557 Sec. 85. Section 16a-38a of the general statutes is repealed and the  
2558 following is substituted in lieu thereof (*Effective July 1, 2006*):

2559 (a) The Commissioner of Public Works, in consultation with the  
2560 Commissioner of Energy Policy and Development, shall conduct an  
2561 energy audit of all buildings owned by the state to determine the  
2562 energy conservation and energy consumption characteristics of such  
2563 buildings. Such energy audits shall be conducted in cooperation with  
2564 the state department, agency, board or commission occupying such  
2565 building. Such energy audits shall be conducted in accordance with  
2566 guidelines established under the "National Energy Conservation Policy  
2567 Act", Public Law 95-619, 92 Stat. 3206 (1978), as amended from time to  
2568 time, and with the following schedule: (1) Preliminary energy audits of  
2569 all buildings owned or leased by the state shall be completed within  
2570 one year after July 1, 1979. The results from such preliminary audits  
2571 shall be used to set priorities for subsequent audits. (2) Subsequent  
2572 energy audits based on the priorities established in accordance with  
2573 subdivision (1) of this subsection, shall be initiated at a rate of at least  
2574 twenty per cent of total building floor space per year. Each audit

2575 procedure shall be completed within two years of its initiation.

2576 (b) [(1)] The Commissioner of Public Works shall review and  
2577 evaluate the energy audits completed in accordance with this section  
2578 and shall, within six months, recommend to the [Secretary of the Office  
2579 of Policy and Management] Commissioner of Energy Policy and  
2580 Development buildings for cost effective retrofit measures to enable  
2581 such buildings to attain the energy performance standards established  
2582 under subdivision (1) of subsection (b) of section 16a-38, as amended  
2583 by this act. [(2) It shall be a goal that beginning not later than July 1,  
2584 1982, work to retrofit at least twenty per cent of the total floor area of  
2585 existing state-owned buildings for energy conservation shall be  
2586 commenced in each fiscal year. Where technically feasible, renewable  
2587 sources of energy shall be used for space heating and cooling, domestic  
2588 hot water and other applications. (3) It shall be a goal that not later  
2589 than June 30, 1991, all state-owned buildings be the subject of such  
2590 energy conservation and renewable energy retrofit measures as will  
2591 enable them to meet the energy performance standards established in  
2592 accordance with subdivision (1) of subsection (b) of section 16a-38.]

2593 (c) The Commissioner of Public Works and the [Secretary of the  
2594 Office of Policy and Management] Commissioner of Energy Policy and  
2595 Development shall jointly develop and publish guidelines applicable  
2596 to all state agencies for an energy efficiency maintenance program for  
2597 all state-owned buildings. The program shall include, but not be  
2598 limited to, annually inspecting, testing and tuning fossil fuel burning  
2599 equipment utilized for space heating or the production of steam or hot  
2600 water for process uses. All agencies shall cooperate in implementing  
2601 such maintenance program.

2602 Sec. 86. Section 16a-38b of the general statutes is repealed and the  
2603 following is substituted in lieu thereof (*Effective July 1, 2006*):

2604 The Commissioner of Public Works, [and] the Secretary of the Office  
2605 of Policy and Management and the Commissioner of Energy Policy  
2606 and Development shall take such actions as may be necessary or



2607 appropriate to enable all state facilities to meet the energy performance  
2608 standards established in accordance with subdivision (1) of subsection  
2609 (b) of section 16a-38, as amended by this act.

2610 Sec. 87. Section 16a-38i of the general statutes is repealed and the  
2611 following is substituted in lieu thereof (*Effective July 1, 2006*):

2612 (a) The energy performance standards established by the  
2613 Commissioner of Public Works, [and] the Secretary of the Office of  
2614 Policy and Management and the Commissioner of Energy Policy and  
2615 Development pursuant to section 16a-38, as amended by this act, shall  
2616 require that the Commissioner of Public Works, in consultation with  
2617 the [secretary] Commissioner of Energy Policy and Development,  
2618 establish a process for calculating annually, from currently available  
2619 data, the average energy use per square foot in state buildings.

2620 (b) In accordance with section 16a-37u, as amended by this act, the  
2621 [secretary] Commissioner of Energy Policy and Development shall (1)  
2622 implement a system requiring all state agencies to use the process  
2623 established by the Department of Public Works to annually calculate  
2624 energy use, (2) establish one or more thresholds of acceptability for  
2625 energy use in state buildings, and (3) (A) reduce energy use, on a cost-  
2626 effective life-cycle basis and within available fiscal resources as  
2627 determined by the secretary, in those buildings under the care and  
2628 control of the Department of Public Works which do not meet such  
2629 thresholds, and (B) assist other agencies in reducing energy use, on a  
2630 cost-effective life-cycle basis and within available fiscal resources as  
2631 determined by the [secretary] Commissioner of Energy Policy and  
2632 Development, in those buildings under their care and control which do  
2633 not meet the applicable thresholds.

2634 Sec. 88. Section 16a-38j of the general statutes is repealed and the  
2635 following is substituted in lieu thereof (*Effective July 1, 2006*):

2636 The Department of Public Works, in consultation with the [Secretary  
2637 of the Office of Policy and Management] Commissioner of Energy  
2638 Policy and Development, shall adopt regulations, in accordance with

the provisions of chapter 54, establishing criteria to be used by each state agency in selecting equipment for use in state buildings. Such criteria shall include a life-cycle cost analysis. Such criteria for equipment for which energy performance standards have been established pursuant to subsection (j) of section 16a-38, as amended by this act, shall include such energy performance standards.

Sec. 89. Section 16a-39 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

(a) As used in this section:

(1) "Public building" means any building or portion thereof, other than an "exempted building", which is open to the public during normal business hours, including (A) any building which provides facilities or shelter for public assembly, (B) any inn, hotel, motel, sports arena, supermarket, transportation terminal, retail store, restaurant, or other commercial establishment which provides services or retails merchandise, and (C) any building owned or leased by the state of Connecticut or any political subdivision thereof, or by another state or political subdivision thereof and located in Connecticut, including libraries, museums, schools, hospitals, auditoriums, sports arenas and university buildings;

(2) "Exempted building" means (A) any building whose peak design rate of energy usage for all purposes is less than one watt per square foot of floor area for all purposes, (B) any building with neither a heating nor cooling system and (C) any building owned or leased in whole or in part by the United States; and

[(3) "Commissioner" means the Commissioner of Public Works or his designee;

(4) "Secretary" means the Secretary of the Office of Policy and Management or his designee; and]

[(5)] (3) "Eligible building" means a building owned by a

2669 municipality, located within the state and not used for public  
2670 education purposes.

2671 (b) The [commissioner] Commissioner of Public Works, after  
2672 consultation with the [secretary] Commissioner of Energy Policy and  
2673 Development and with such advisory board as [said secretary] the  
2674 Commissioner of Energy Policy and Development may appoint, shall  
2675 adopt, in accordance with chapter 54, regulations establishing lighting  
2676 standards for all public buildings. The members of any such advisory  
2677 board shall receive neither compensation nor expenses for the  
2678 performance of their duties.

2679 (c) The lighting standards adopted pursuant to subsection (b) of this  
2680 section shall provide for the maximum feasible energy efficiency of  
2681 lighting equipment commensurate with other factors relevant to  
2682 lighting levels and equipment, including, but not limited to, the  
2683 purposes of the lighting, reasonable economic considerations in terms  
2684 both of initial capital costs and of operating costs including nonenergy  
2685 operating costs, reasonable budgetary considerations in terms of the  
2686 feasibility of implementing changes which require a significant capital  
2687 expenditure in a given time period, any constraints imposed on  
2688 lighting equipment by the nature of the activities being carried out in  
2689 the facility involved, considerations involving historic preservation or  
2690 unusual architectural features, the amount of remaining useful lifetime  
2691 which a particular structure would be expected to enjoy and the size of  
2692 the building or portion of the building involved.

2693 (d) The [commissioner] Commissioner of Public Works shall, upon  
2694 the adoption of the regulations required by subsection (b) of this  
2695 section, make random inspections of public buildings to monitor  
2696 compliance with the standards established by such regulations. The  
2697 [commissioner] Commissioner of Public Works may also inspect any  
2698 public buildings against which complaints alleging violation of such  
2699 standards have been received. The operator of a public building or  
2700 portion thereof shall provide access to such inspectors at any  
2701 reasonable time, including all times during which the facility is open to

2702 the public. If an inspector is denied access to a public building for the  
2703 purposes of making an inspection in accordance with the provisions of  
2704 this section, the [commissioner] Commissioner of Public Works may  
2705 apply to the superior court for the judicial district wherein such  
2706 building is located for injunctive or other equitable relief. If upon  
2707 inspection it is determined that the lighting levels in a public building  
2708 do not conform to such standards, the inspector shall make available to  
2709 the owner or operator of such building, information regarding such  
2710 standards and the economic and energy savings expected to result  
2711 from compliance therewith. The owner or operator of a public building  
2712 may, after having taken appropriate measures to render such building  
2713 in compliance with such standards request a reinspection of such  
2714 building by the [commissioner] Commissioner of Public Works. The  
2715 [commissioner] Commissioner of Public Works may, upon such  
2716 request or at his own discretion, conduct such reinspection and  
2717 determine whether or not such building has been brought into  
2718 compliance with such standards.

2719 (e) The [commissioner] Commissioner of Public Works shall  
2720 maintain a listing of all public buildings found to be in compliance  
2721 with the lighting standards adopted pursuant to subsection (c) of this  
2722 section.

2723 (f) The [secretary] Commissioner of Energy Policy and Development  
2724 may award lighting grants to municipalities for the purpose of  
2725 improving the energy efficiency of lighting equipment in eligible  
2726 buildings. All lighting grants shall be awarded based on an  
2727 application, submitted by a municipality, which sets forth the lighting  
2728 conservation measures to be implemented. Such measures shall meet  
2729 the standards established pursuant to subsection (b) of this section and  
2730 be consistent with the state energy policy, as set forth in section 16a-  
2731 35k. When evaluating the applications submitted pursuant to this  
2732 section and determining the amount of a lighting grant, the [secretary]  
2733 Commissioner of Energy Policy and Development shall consider the  
2734 energy savings and the payback period for the measures to be  
2735 implemented and any other information which the [secretary]

2736 Commissioner of Energy Policy and Development deems relevant. The  
2737 funds for lighting grants shall be provided from proceeds of bonds  
2738 issued for such purpose. The amount of each grant shall be not less  
2739 than five thousand dollars but not more than fifty thousand dollars,  
2740 provided the [secretary] Commissioner of Energy Policy and  
2741 Development may award grants of less than five thousand dollars or  
2742 more than fifty thousand dollars if the [secretary] Commissioner of  
2743 Energy Policy and Development finds good cause to do so. All public  
2744 service company incentive payments contributed to any energy  
2745 conservation project at an eligible building shall be applied to pay the  
2746 principal cost of that project.

2747 Sec. 90. Section 16a-39b of the general statutes is repealed and the  
2748 following is substituted in lieu thereof (*Effective July 1, 2006*):

2749 The [Secretary of the Office of Policy and Management]  
2750 Commissioner of Energy Policy and Development shall convene  
2751 periodic meetings, to be held at least once every twelve months, to  
2752 discuss opportunities for energy savings by the state. Such meetings  
2753 shall consist of the [secretary] commissioner, or the [secretary's]  
2754 commissioner's designee, and representatives from each state agency  
2755 that the [secretary] commissioner determines to be among the ten  
2756 agencies that consumed the greatest amount of energy during the  
2757 previous twelve months.

2758 Sec. 91. Subsection (a) of section 16a-40b of the 2006 supplement to  
2759 the general statutes is repealed and the following is substituted in lieu  
2760 thereof (*Effective July 1, 2006*):

2761 (a) The [commissioner] Commissioner of Economic and Community  
2762 Development, acting on behalf of the state, may, with respect to loans  
2763 for which funds have been authorized by the State Bond Commission  
2764 prior to July 1, 1992, in his discretion make low-cost loans or deferred  
2765 loans to residents of this state for the purchase and installation in  
2766 residential structures of insulation, alternative energy devices, energy  
2767 conservation materials and replacement furnaces and boilers,

2768 approved in accordance with regulations to be adopted by the  
2769 [Secretary of the Office of Policy and Management] Commissioner of  
2770 Energy Policy and Development. In the purchase and installation of  
2771 insulation in new residential structures, only that insulation which  
2772 exceeds the requirements of the State Building Code shall be eligible  
2773 for such loans or deferred loans. The [commissioner] Commissioner of  
2774 Economic and Community Development may also make low-cost  
2775 loans or deferred loans to persons in the state residing in dwellings  
2776 constructed not later than December 31, 1979, and for which the  
2777 primary source of heating since such date has been electricity, for the  
2778 purchase of a secondary heating system using a source of heat other  
2779 than electricity or for the conversion of a primary electric heating  
2780 system to a system using a source of heat other than electricity.

2781 Sec. 92. Section 16a-41 of the general statutes is repealed and the  
2782 following is substituted in lieu thereof (*Effective July 1, 2006*):

2783 (a) Any public or private agency or organization administering an  
2784 energy assistance program which is funded or administered, in whole  
2785 or in part, by the state shall take simultaneous applications from  
2786 applicants for all energy assistance programs and energy conservation  
2787 loan, grant, audit or service programs which that agency or  
2788 organization administers and for which an applicant may be eligible  
2789 and shall provide the applicants with written summaries of all such  
2790 programs administered by other agencies and organizations and for  
2791 which an applicant may be eligible. Any public or private agency or  
2792 organization administering an energy conservation loan, grant, audit  
2793 or service program or renewable resources loan, grant or service  
2794 program which is funded or administered, in whole or in part, by the  
2795 state shall provide applicants with written summaries of all other such  
2796 programs in the state for which an applicant may be eligible. The  
2797 Department of Social Services, in consultation with the Department of  
2798 Economic and Community Development and the Department of  
2799 [Public Utility Control] Energy Policy and Development, shall adopt  
2800 regulations, in accordance with the provisions of chapter 54, to carry  
2801 out the purposes of this subsection. Such regulations shall, without

2802 limitation, set forth requirements for the form and content of the  
2803 summaries. The Department of Social Services shall be responsible for  
2804 collecting and disseminating information on all such programs in the  
2805 state to agencies and organizations administering the programs.

2806 (b) Any state agency which administers or funds an energy  
2807 assistance program, an energy conservation loan, grant, audit, or  
2808 service program or a renewable resources loan, grant or service  
2809 program shall adopt regulations in accordance with chapter 54 for  
2810 such program in order to protect the due process rights of the  
2811 applicants. The regulations shall include, but not be limited to, the  
2812 following, where applicable: (1) Procedures for applications and their  
2813 disposition, including record-keeping; (2) procedures for the  
2814 immediate provision of appropriate assistance to eligible applicants  
2815 who are without or in imminent danger of being without heat, hot  
2816 water or utilities; (3) standards of assistance, including eligibility and  
2817 benefits; (4) procedures for assisting elderly, handicapped, bilingual  
2818 and other persons who are unable to file such applications without  
2819 assistance; (5) procedures for assisting applicants in obtaining other  
2820 forms of assistance; (6) procedures for written notice to applicants of  
2821 the disposition of their applications and the basis for each full or  
2822 partial denial of assistance; and (7) administrative appeal procedures,  
2823 including notice to applicants of the availability of such procedures.

2824 (c) The regulations adopted under subsection (a) or (b) of this  
2825 section shall not require an applicant for assistance to be without fuel  
2826 or utility service before an agency may accept his application or as a  
2827 condition of eligibility.

2828 (d) The Department of [Public Utility Control] Energy Policy and  
2829 Development shall assure: (1) That any energy assistance program,  
2830 energy conservation loan, grant, audit or service program or  
2831 renewable resources loan, grant or service program concerning  
2832 residential dwellings, funded or administered by a public service  
2833 company or municipal utility, shall include provisions to address the  
2834 needs of persons residing in rental housing and persons of poverty

2835 status; and (2) that the audit report on any audit conducted on a  
2836 dwelling occupied by persons of poverty status, under a conservation  
2837 audit program funded or administered by a public service company or  
2838 municipal utility, include a section which excerpts from the audit  
2839 report the results of those audit procedures required under  
2840 weatherization or conservation programs available to such persons.

2841 (e) As used in this section, "applicant" means a natural person or a  
2842 household seeking assistance under any program referred to in this  
2843 section.

2844 Sec. 93. Section 16a-45a of the general statutes is repealed and the  
2845 following is substituted in lieu thereof (*Effective July 1, 2006*):

2846 As used in section 16a-46, as amended by this act, "participant"  
2847 means: (1) Each electric or gas company, as defined in section 16-1, as  
2848 amended, which has annual sales, other than for resale, in excess of  
2849 seven hundred fifty million kilowatt hours of electricity or ten billion  
2850 cubic feet of natural gas; (2) any company, person or entity fulfilling  
2851 the responsibilities of section 16a-46, as amended by this act, in whole  
2852 or in part, on behalf of one or more such electric or gas companies, as  
2853 determined by the [secretary] Commissioner of Energy Policy and  
2854 Development; (3) any petroleum product vendor registered under  
2855 section 16a-22d, as amended by this act, whose gross volume of retail  
2856 fuel oil, propane or kerosene delivered in its most recently completed  
2857 year exceeds two million gallons; and (4) any other electric or gas  
2858 company, as defined in section 16-1, as amended, municipal electric  
2859 utility organized under chapter 101, municipal electric energy  
2860 cooperative organized under chapter 101a or electric cooperative  
2861 organized under chapter 597 which is included in a plan under section  
2862 16a-46a, as amended by this act, and subsequently approved by the  
2863 [secretary] commissioner, and which voluntarily participates in the  
2864 program under section 16a-46, as amended by this act.

2865 Sec. 94. Section 16a-46 of the 2006 supplement to the general statutes  
2866 is repealed and the following is substituted in lieu thereof (*Effective July*



2867 1, 2006):

2868 (a) The [Secretary of the Office of Policy and Management]  
2869 Commissioner of Energy Policy and Development shall be responsible  
2870 for the development and implementation of a residential energy  
2871 conservation service program in accordance with the provisions of this  
2872 section, sections 16a-46a, as amended by this act, 16a-46b, as amended  
2873 by this act, and 16a-46c, as amended by this act, and applicable federal  
2874 law. Participants in the program shall provide or arrange for low cost  
2875 energy audits. No participant under subdivision (1) or (3) of section  
2876 16a-45a, as amended by this act, may be required to provide such  
2877 services outside its authorized service area or area of normal  
2878 operation. The residential energy conservation service program shall  
2879 terminate on July 1, 2010.

2880 (b) The [secretary] commissioner, in consultation with the  
2881 Department of Public Utility Control, may adopt regulations, in  
2882 accordance with chapter 54, with regard to the conduct and  
2883 administration of such program. [Not later than January first in 1996  
2884 and 1997, each participant shall submit a report to the secretary  
2885 concerning the energy audits the participant provided or arranged for  
2886 pursuant to this section. Not later than February first in 1996 and 1997,  
2887 the secretary shall submit a report to the joint standing committee of  
2888 the General Assembly having cognizance of matters relating to energy  
2889 and technology concerning all energy audits provided or arranged for  
2890 pursuant to this section.]

2891 Sec. 95. Section 16a-46a of the general statutes is repealed and the  
2892 following is substituted in lieu thereof (*Effective July 1, 2006*):

2893 (a) The [Secretary of the Office of Policy and Management]  
2894 Commissioner of Energy Policy and Development shall prepare and  
2895 may from time to time amend a residential energy conservation service  
2896 plan which implements the program established under section 16a-46,  
2897 as amended, and which complies with applicable federal law. The  
2898 residential energy conservation service plan shall include, but not be

2899 limited to, a designation of the classes of residential buildings that may  
2900 receive low-cost energy audits during the period covered by the plan.

2901 (b) Prior to implementing any amendments to the residential energy  
2902 conservation service plan, the [secretary] commissioner shall submit  
2903 the plan or amendments to the joint standing committee of the General  
2904 Assembly having cognizance of matters relating to energy planning  
2905 and activities. The committee may approve or disapprove such plan or  
2906 amendments at a meeting held not later than sixty days after receipt of  
2907 the plan or amendments. If the committee takes no action with regard  
2908 to the plan or amendments during such sixty-day period, they shall be  
2909 deemed approved. Upon such approval, the [secretary] commissioner  
2910 shall submit the plans or amendments to the United States Department  
2911 of Energy.

2912 Sec. 96. Section 16a-46b of the general statutes is repealed and the  
2913 following is substituted in lieu thereof (*Effective July 1, 2006*):

2914 The [secretary] Commissioner of Energy Policy and Development  
2915 shall (1) review and evaluate, on an ongoing basis, the implementation  
2916 of the plan prepared under section 16a-46a, as amended by this act, to  
2917 insure compliance with applicable state statutes and regulations and  
2918 the provisions of such plan; (2) participate in proceedings before the  
2919 Department of Public Utility Control which involve, in whole or in  
2920 part, the implementation of said statutes, regulations or plan; and (3)  
2921 report on the implementation of, and make any recommendations  
2922 concerning, said plan not later than January fifteenth, annually, to the  
2923 Governor, the joint standing committee of the General Assembly  
2924 having cognizance of matters relating to energy planning and activities  
2925 and the Legislative Program Review and Investigations Committee.

2926 Sec. 97. Section 16a-46c of the general statutes is repealed and the  
2927 following is substituted in lieu thereof (*Effective July 1, 2006*):

2928 The Department of Public Utility Control shall exercise its  
2929 regulatory responsibilities as they relate to the residential energy  
2930 conservation service program within any program guidelines

2931 established by the [Secretary of the Office of Policy and Management]  
2932 Commissioner of Energy Policy and Development in regulations  
2933 adopted under section 16a-46, as amended by this act, and in the plan  
2934 authorized under section 16a-46a, as amended by this act. The  
2935 [secretary] commissioner shall consult with the department in the  
2936 development of the program. The department, in consultation with the  
2937 [secretary] commissioner, may adopt regulations in accordance with  
2938 chapter 54 concerning the conduct and administration of the program  
2939 as it relates to the department's regulatory responsibilities.

2940 Sec. 98. Section 16a-48 of the general statutes is repealed and the  
2941 following is substituted in lieu thereof (*Effective July 1, 2006*):

2942 (a) As used in this section:

2943 (1) "Department" means the Department of Public Utility Control;

2944 (2) "Fluorescent lamp ballast" or "ballast" means a device designed  
2945 to operate fluorescent lamps by providing a starting voltage and  
2946 current and limiting the current during normal operation, but does not  
2947 include such devices that have a dimming capability or are intended  
2948 for use in ambient temperatures of zero degrees Fahrenheit or less or  
2949 have a power factor of less than sixty-one hundredths for a single  
2950 F40T12 lamp;

2951 (3) "F40T12 lamp" means a tubular fluorescent lamp that is a  
2952 nominal forty-watt lamp, with a forty-eight-inch tube length and one  
2953 and one-half inches in diameter;

2954 (4) "F96T12 lamp" means a tubular fluorescent lamp that is a  
2955 nominal seventy-five-watt lamp with a ninety-six-inch tube length and  
2956 one and one-half inches in diameter;

2957 (5) "Luminaire" means a complete lighting unit consisting of a  
2958 fluorescent lamp, or lamps, together with parts designed to distribute  
2959 the light, to position and protect such lamps, and to connect such  
2960 lamps to the power supply;

2961 (6) "New product" means a product that is sold, offered for sale, or  
2962 installed for the first time and specifically includes floor models and  
2963 demonstration units;

2964 [(7) "Secretary" means the Secretary of the Office of Policy and  
2965 Management;]

2966 (7) "Commissioner" means the Commissioner of Energy Policy and  
2967 Development;

2968 (8) "State Building Code" means the building code adopted  
2969 pursuant to section 29-252;

2970 (9) "Torchiere lighting fixture" means a portable electric lighting  
2971 fixture with a reflector bowl giving light directed upward so as to give  
2972 indirect illumination;

2973 (10) "Unit heater" means a self-contained, vented fan-type  
2974 commercial space heater that uses natural gas or propane that is  
2975 designed to be installed without ducts within the heated space. "Unit  
2976 heater" does not include a product regulated by federal standards  
2977 pursuant to 42 USC 6291, as amended from time to time, a product that  
2978 is a direct vent, forced flue heater with a sealed combustion burner, or  
2979 any oil fired heating system;

2980 (11) "Transformer" means a device consisting of two or more coils of  
2981 insulated wire that transfers alternating current by electromagnetic  
2982 induction from one coil to another in order to change the original  
2983 voltage or current value;

2984 (12) "Low-voltage dry-type transformer" means a transformer that:  
2985 (A) Has an input voltage of 600 volts or less; (B) is between 14 kilovolt-  
2986 amperes and 2,501 kilovolt-amperes in size; (C) is air-cooled; and (D)  
2987 does not use oil as a coolant. "Low-voltage dry-type transformer" does  
2988 not include such transformers excluded from the low-voltage dry-type  
2989 distribution transformer definition contained in the California Code of  
2990 Regulations, Title 20: Division 2, Chapter 4, Article 4: Appliance

2991 Efficiency Regulations;

2992 (13) "Pass-through cabinet" means a refrigerator or freezer with  
2993 hinged or sliding doors on both the front and rear of the refrigerator or  
2994 freezer;

2995 (14) "Reach-in cabinet" means a refrigerator, freezer, or combination  
2996 thereof, with hinged or sliding doors or lids;

2997 (15) "Roll-in" or "roll-through cabinet" means a refrigerator or  
2998 freezer with hinged or sliding doors that allows wheeled racks of  
2999 product to be rolled into or through the refrigerator or freezer;

3000 (16) "Commercial refrigerators and freezers" means reach-in  
3001 cabinets, pass-through cabinets, roll-in cabinets and roll-through  
3002 cabinets that have less than eighty-five feet of capacity. "Commercial  
3003 refrigerators and freezers" does not include walk-in models or  
3004 consumer products regulated under the federal National Appliance  
3005 Energy Conservation Act of 1987;

3006 (17) "Traffic signal module" means a standard eight-inch or twelve-  
3007 inch round traffic signal indicator consisting of a light source, lens and  
3008 all parts necessary for operation and communication of movement  
3009 messages to drivers through red, amber and green colors;

3010 (18) "Illuminated exit sign" means an internally illuminated sign that  
3011 is designed to be permanently fixed in place and used to identify an  
3012 exit by means of a light source that illuminates the sign or letters from  
3013 within where the background of the exit sign is not transparent;

3014 (19) "Packaged air-conditioning equipment" means air-conditioning  
3015 equipment that is built as a package and shipped as a whole to end-  
3016 user sites;

3017 (20) "Large packaged air-conditioning equipment" means air-cooled  
3018 packaged air-conditioning equipment having not less than 240,000  
3019 BTUs per hour of capacity;

3020 (21) "Commercial clothes washer" means a soft mount front-loading  
3021 or soft mount top-loading clothes washer that is designed for use in  
3022 (A) applications where the occupants of more than one household will  
3023 be using it, such as in multifamily housing common areas and coin  
3024 laundries; or (B) other commercial applications, if the clothes container  
3025 compartment is no greater than 3.5 cubic feet for horizontal-axis  
3026 clothes washers, or no greater than 4.0 cubic feet for vertical-axis  
3027 clothes washers;

3028 (22) "Energy efficiency ratio" means a measure of the relative  
3029 efficiency of a heating or cooling appliance that is equal to the unit's  
3030 output in BTUs per hour divided by its consumption of energy,  
3031 measured in watts.

3032 (b) The provisions of this section apply to the testing, certification  
3033 and enforcement of efficiency standards for the following types of new  
3034 products sold, offered for sale or installed in the state: (1) Commercial  
3035 clothes washers; (2) commercial refrigerators and freezers; (3)  
3036 illuminated exit signs; (4) large packaged air-conditioning equipment;  
3037 (5) low voltage dry-type distribution transformers; (6) torchiere  
3038 lighting fixtures; (7) traffic signal modules; (8) unit heaters; and (9) any  
3039 other products as may be designated by the department in accordance  
3040 with subdivision (3) of subsection (d) of this section.

3041 (c) The provisions of this section do not apply to (1) new products  
3042 manufactured in the state and sold outside the state, (2) new products  
3043 manufactured outside the state and sold at wholesale inside the state  
3044 for final retail sale and installation outside the state, (3) products  
3045 installed in mobile manufactured homes at the time of construction, or  
3046 (4) products designed expressly for installation and use in recreational  
3047 vehicles.

3048 (d) (1) Not later than July 1, 2005, the department, in consultation  
3049 with the [secretary] commissioner, shall adopt regulations, in  
3050 accordance with the provisions of chapter 54, to implement the  
3051 provisions of this section and to establish minimum energy efficiency

standards for the types of new products set forth in subsection (b) of this section. The regulations shall provide for the following minimum energy efficiency standards: (A) Commercial clothes washers shall meet the requirements shown in Table P-3 of section 1605.3 of the California Code of Regulations, Title 20: Division 2, Chapter 4, Article 4; (B) commercial refrigerators and freezers shall meet the August 1, 2004, requirements shown in Table A-6 of said California regulation; (C) illuminated exit signs shall meet the version 2.0 product specification of the "Energy Star Program Requirements for Exit Signs" developed by the United States Environmental Protection Agency; (D) large packaged air-conditioning equipment having not more than 760,000 BTUs per hour of capacity shall meet a minimum energy efficiency ratio of 10.0 for units using both electric heat and air conditioning or units solely using electric air conditioning, and 9.8 for units using both natural gas heat and electric air conditioning; (E) large packaged air-conditioning equipment having not less than 761,000 BTUs per hour of capacity shall meet a minimum energy efficiency ratio of 9.7 for units using both electric heat and air conditioning or units solely using electric air conditioning, and 9.5 for units using both natural gas heat and electric air conditioning; (F) low voltage dry-type distribution transformers shall meet or exceed the energy efficiency values shown in Table 4-2 of the National Electrical Manufacturers Association Standard TP-1-2002; (G) torchiere lighting fixtures shall not consume more than 190 watts and shall not be capable of operating with lamps that total more than 190 watts; (H) traffic signal modules shall meet the product specification of the "Energy Star Program Requirements for Traffic Signals" developed by the United States Environmental Protection Agency that took effect in February, 2001, except where the department, in consultation with the Commissioner of Transportation, determines that such specification would compromise safe signal operation; (I) unit heaters shall not have pilot lights and shall have either power venting or an automatic flue damper.

(2) Such efficiency standards, where in conflict with the State

3086 Building Code, shall take precedence over the standards contained in  
3087 the Building Code. Not later than July 1, 2007, and biennially  
3088 thereafter, the department, in consultation with the [secretary]  
3089 commissioner, shall review and increase the level of such efficiency  
3090 standards by adopting regulations in accordance with the provisions  
3091 of chapter 54 upon a determination that increased efficiency standards  
3092 would serve to promote energy conservation in the state and would be  
3093 cost-effective for consumers who purchase and use such new products,  
3094 provided no such increased efficiency standards shall become effective  
3095 within one year following the adoption of any amended regulations  
3096 providing for such increased efficiency standards.

3097 (3) The department, in consultation with the [secretary]  
3098 commissioner, shall adopt regulations, in accordance with the  
3099 provisions of chapter 54, to designate additional products to be subject  
3100 to the provisions of this section and to establish efficiency standards  
3101 for such products upon a determination that such efficiency standards  
3102 (A) would serve to promote energy conservation in the state, (B)  
3103 would be cost-effective for consumers who purchase and use such new  
3104 products, and (C) that multiple products are available which meet  
3105 such standards, provided no such efficiency standards shall become  
3106 effective within one year following their adoption pursuant to this  
3107 subdivision.

3108 (e) On or after July 1, 2006, except for commercial clothes washers,  
3109 for which the date shall be July 1, 2007, commercial refrigerators and  
3110 freezers, for which the date shall be July 1, 2008, and large packaged  
3111 air-conditioning equipment, for which the date shall be July 1, 2009, no  
3112 new product of a type set forth in subsection (b) of this section or  
3113 designated by the department may be sold, offered for sale, or  
3114 installed in the state unless the energy efficiency of the new product  
3115 meets or exceeds the efficiency standards set forth in such regulations  
3116 adopted pursuant to subsection (d) of this section.

3117 (f) The department, in consultation with the [secretary]  
3118 commissioner, shall adopt procedures for testing the energy efficiency



3119 of the new products set forth in subsection (b) of this section or  
3120 designated by the department if such procedures are not provided for  
3121 in the State Building Code. The department shall use United States  
3122 Department of Energy approved test methods, or in the absence of  
3123 such test methods, other appropriate nationally recognized test  
3124 methods. The manufacturers of such products shall cause samples of  
3125 such products to be tested in accordance with the test procedures  
3126 adopted pursuant to this subsection or those specified in the State  
3127 Building Code.

3128 (g) Manufacturers of new products set forth in subsection (b) of this  
3129 section or designated by the department shall certify to the [secretary]  
3130 commissioner that such products are in compliance with the  
3131 provisions of this section. The department, in consultation with the  
3132 [secretary] commissioner, shall promulgate regulations governing the  
3133 certification of such products. The [secretary] commissioner shall  
3134 publish an annual list of such products.

3135 (h) The Attorney General may institute proceedings to enforce the  
3136 provisions of this section. Any person who violates any provision of  
3137 this section shall be subject to a civil penalty of not more than two  
3138 hundred fifty dollars. Each violation of this section shall constitute a  
3139 separate offense, and each day that such violation continues shall  
3140 constitute a separate offense.

3141 Sec. 99. Section 16a-102 of the general statutes is repealed and the  
3142 following is substituted in lieu thereof (*Effective July 1, 2006*):

3143 (a) The [Secretary of the Office of Policy and Management]  
3144 Commissioner of Energy Policy and Development shall coordinate all  
3145 atomic development activities in the state. Said [secretary or his]  
3146 commissioner or the commissioner's designee shall (1) advise the  
3147 Governor with respect to atomic industrial development within the  
3148 state; (2) act as coordinator of the development and regulatory  
3149 activities of the state relating to the industrial and commercial uses of  
3150 atomic energy; (3) act as deputy of the Governor in matters relating to

3151 atomic energy, including participation in the activities of any  
3152 committee formed by the New England states to represent their  
3153 interests in such matters and also cooperation with other states and  
3154 with the government of the United States; (4) coordinate the studies,  
3155 recommendations and proposals of the several departments and  
3156 agencies of the state required by section 16a-103 with each other and  
3157 also with the programs and activities of the development commission.  
3158 So far as practicable, he shall coordinate the studies conducted, and the  
3159 recommendations and proposals made, in this state with like activities  
3160 in the New England and other states and with the policies and  
3161 regulations of the Energy Research and Development Administration  
3162 and the Nuclear Regulatory Commission. In carrying out his duties, he  
3163 shall proceed in close cooperation with the development commission.

3164 (b) The several agencies of the state which are directed by section  
3165 16a-103 to initiate and pursue continuing studies are directed to keep  
3166 the [Secretary of the Office of Policy and Management] Commissioner  
3167 of Energy Policy and Development fully and currently informed as to  
3168 their activities relating to atomic energy. No regulation or amendment  
3169 to a regulation applying specifically to an atomic energy matter which  
3170 any such agency may propose to issue shall become effective until  
3171 thirty days after it has been submitted to the [Secretary of the Office of  
3172 Policy and Management] Commissioner of Energy Policy and  
3173 Development, unless, upon a finding of emergency need, the Governor  
3174 by order waives all or any part of this thirty-day period.

3175 (c) The [Secretary of the Office of Policy and Management or his]  
3176 Commissioner of Energy Policy and Development or the  
3177 commissioner's designee shall keep the Governor and the several  
3178 interested agencies informed as to private and public activities  
3179 affecting atomic industrial development and shall enlist their  
3180 cooperation in taking action to further such development as is  
3181 consistent with the health, safety and general welfare of this state.

3182 (d) Within amounts appropriated for the purposes of this section,  
3183 the [Secretary of the Office of Policy and Management] Commissioner

3184 of Energy Policy and Development may retain on a contractual or  
3185 other basis such assistance as is required to carry out the purposes of  
3186 this section.

3187 Sec. 100. Section 21a-86a of the general statutes is repealed and the  
3188 following is substituted in lieu thereof (*Effective July 1, 2006*):

3189 (a) On or before October 1, 1990, the Commissioner of Consumer  
3190 Protection, in consultation with the [Secretary of the Office of Policy  
3191 and Management] Commissioner of Energy Policy and Development,  
3192 the chairperson of the Public Utilities Control Authority, the State  
3193 Building Inspector and the Commissioners of Public Health and  
3194 Environmental Protection, shall adopt regulations, in accordance with  
3195 the provisions of chapter 54, establishing minimum efficiency  
3196 standards for plumbing fixtures and other water-using devices, as  
3197 appropriate.

3198 (b) The maximum water use allowed in the regulations adopted  
3199 under subsection (a) of this section for showerheads, urinals, faucets  
3200 and replacement aerators manufactured or sold on or after October 1,  
3201 1990, shall be as follows: For showerheads, 2.5 gallons per minute; for  
3202 urinals, 1.0 gallons per flush; for bathroom sinks, lavatory and kitchen  
3203 faucets and replacement aerators, 2.5 gallons per minute, except that  
3204 lavatories in restrooms of public facilities shall be equipped with outlet  
3205 devices which limit the flow rate to a maximum of 0.5 gallons per  
3206 minute. The maximum water use allowed in the regulations adopted  
3207 under subsection (a) of this section for tank-type toilets, flushometer-  
3208 valve toilets, flushometer-tank toilets and electromechanical hydraulic  
3209 toilets manufactured or sold on or after January 1, 1992, shall be 1.6  
3210 gallons per flush, unless and until equivalent standards for similar  
3211 types of toilets are adopted by the American National Standards  
3212 Institute, Inc.

3213 (c) Notwithstanding the provisions of subsection (b) of this section,  
3214 the Commissioner of Consumer Protection, after consultation with the  
3215 [Secretary of the Office of Policy and Management] Commissioner of

3216 Energy Policy and Development, the chairperson of the Public Utilities  
3217 Control Authority, the State Building Inspector and the  
3218 Commissioners of Public Health and Environmental Protection, may  
3219 increase the level of efficiency for plumbing fixtures upon  
3220 determination that such increase would promote the conservation of  
3221 water and energy and be cost-effective for consumers who purchase  
3222 and use such fixtures. Any increased efficiency standard shall be  
3223 effective one year after its adoption.

3224 (d) The Commissioner of Consumer Protection, in consultation with  
3225 the [Secretary of the Office of Policy and Management] Commissioner  
3226 of Energy Policy and Development, the chairperson of the Public  
3227 Utilities Control Authority, the State Building Inspector and the  
3228 Commissioners of Public Health and Environmental Protection, shall  
3229 adopt regulations in accordance with the provisions of chapter 54  
3230 necessary to implement the provisions of sections 21a-86 to 21a-86g,  
3231 inclusive. Such regulations shall provide for (1) the sale of plumbing  
3232 fixtures which do not meet the standards if the commissioner  
3233 determines that compliance is not feasible or an unnecessary hardship  
3234 exists and (2) the sale of plumbing fixtures, including, but not limited  
3235 to, antique reproduction plumbing fixtures, which do not meet the  
3236 standards, provided such plumbing fixtures were in stock in a store  
3237 located in the state before October 1, 1990, if a showerhead, urinal,  
3238 faucet or replacement aerator or before January 1, 1992, if a tank-type  
3239 toilet, flushometer-valve toilet, flushometer-tank toilet or  
3240 electromechanical hydraulic toilet.

3241 Sec. 101. Section 32-317 of the general statutes is repealed and the  
3242 following is substituted in lieu thereof (*Effective July 1, 2006*):

3243 (a) The [commissioner] Commissioner of Economic and Community  
3244 Development, acting on behalf of the state, may in his discretion make  
3245 loans or deferred loans to residents of this state for the purchase and  
3246 installation in residential structures of insulation, alternative energy  
3247 devices, energy conservation materials and replacement furnaces and  
3248 boilers, approved in accordance with regulations to be adopted by the

3249 [Secretary of the Office of Policy and Management] Commissioner of  
3250 Energy Policy and Development. In the purchase and installation of  
3251 insulation in new residential structures, only that insulation which  
3252 exceeds the requirements of the State Building Code shall be eligible  
3253 for such loans or deferred loans. The [commissioner] Commissioner of  
3254 Economic and Community Development may also make loans or  
3255 deferred loans to persons in the state residing in dwellings constructed  
3256 not later than December 31, 1979, and for which the primary source of  
3257 heating since such date has been electric resistance, for (1) the purchase  
3258 and installation of a high-efficiency secondary heating system using a  
3259 source of heat other than electric resistance, (2) the conversion of a  
3260 primary electric heating system to a high-efficiency system using a  
3261 source of heat other than electric resistance, or (3) the purchase and  
3262 installation of a high-efficiency combination heating and cooling  
3263 system. As used in this subsection, "high-efficiency" means having a  
3264 seasonal energy efficiency ratio of 11.0 or higher or a heating season  
3265 performance factor of 7.2 or higher as designated by the American  
3266 Refrigeration Institute in the Directory of Certified Unitary Air  
3267 Conditioners, Air Source Heat Pumps and Outdoor Unitary  
3268 Equipment, as from time to time amended, or an equivalent ratio for a  
3269 fossil fuel system.

3270 (b) Except as provided under subsection (c) of this section, any such  
3271 loan or deferred loan shall be available only for a residential structure  
3272 containing not more than four dwelling units, shall be not less than  
3273 four hundred dollars and not more than fifteen thousand dollars per  
3274 structure and shall be made only to an applicant who submits  
3275 evidence, satisfactory to the [commissioner] Commissioner of  
3276 Economic and Community Development, that the adjusted gross  
3277 income of the household member or members who contribute to the  
3278 support of his household was not in excess of one hundred fifty per  
3279 cent of the median area income by household size. Repayment of all  
3280 loans or deferred loans made under this subsection shall be subject to a  
3281 rate of interest to be determined in accordance with subsection (t) of  
3282 section 3-20, as amended, and such terms and conditions as the

3283 commissioner may establish. The State Bond Commission shall  
3284 establish a range of rates of interest payable on all loans or deferred  
3285 loans under this subsection and shall apply the range to applicants in  
3286 accordance with a formula which reflects their income. Such range  
3287 shall be not less than zero per cent for any applicant in the lowest  
3288 income class and not more than one per cent above the rate of interest  
3289 borne by the general obligation bonds of the state last issued prior to  
3290 the most recent date such range was established for any applicant for  
3291 whom the adjusted gross income of the household member or  
3292 members who contribute to the support of his household was at least  
3293 one hundred fifteen per cent of the median area income by household  
3294 size.

3295 (c) The [commissioner] Commissioner of Economic and Community  
3296 Development shall establish a program under which he shall make  
3297 funds authorized under section 32-318 available for loans or deferred  
3298 loans under subsection (a) of this section for residential structures  
3299 containing more than four dwelling units, or for contracts  
3300 guaranteeing payment of loans provided by private institutions for  
3301 such structures for the purposes specified under subsection (a) of this  
3302 section. Any such loan or deferred loan shall be an amount equaling  
3303 not more than two thousand dollars multiplied by the number of  
3304 dwelling units in such structure, provided no such loan shall exceed  
3305 sixty thousand dollars. If the applicant seeks a loan or deferred loan for  
3306 a structure containing more than thirty dwelling units, he shall include  
3307 in his application a commitment to make comparable energy  
3308 improvements of benefit to all dwelling units in the structure in  
3309 addition to the thirty units which are eligible for the loan or deferred  
3310 loan. Applications for contracts of guarantee shall be limited to  
3311 structures containing not more than thirty dwelling units and the  
3312 amount of the guarantee shall be not more than three thousand dollars  
3313 for each dwelling unit benefiting from the loan. There shall not be an  
3314 income eligibility limitation for applicants for such loans, deferred  
3315 loans or guarantees, but the commissioner shall give preference to  
3316 applications for loans, deferred loans or guarantees for such structures

3317 which are occupied by persons of low or moderate income. Repayment  
3318 of such loans or deferred loans shall be subject to such rates of interest,  
3319 terms and conditions as the commissioner shall establish. The state  
3320 shall have a lien on each property for which a loan, deferred loan or  
3321 guarantee has been made under this section to ensure compliance with  
3322 such terms and conditions.

3323 (d) With respect to all loans or deferred loans under this section, any  
3324 repayments of principal shall be paid to the State Treasurer for deposit  
3325 in the energy conservation revolving loan account. The interest  
3326 applicable to any such loans made shall be paid to the State Treasurer  
3327 for deposit in the General Fund. In the case of a deferred loan,  
3328 payments on interest are due and payable but payments on principal  
3329 may be deferred to a time certain.

3330 (e) The [commissioner] Commissioner of Economic and Community  
3331 Development shall adopt regulations, in accordance with chapter 54,  
3332 (1) concerning qualifications for such loans or deferred loans,  
3333 requirements and limitations as to adjustments of terms and conditions  
3334 of repayment and any additional requirements deemed necessary to  
3335 carry out the provisions of this section and to assure that those tax-  
3336 exempt bonds and notes used to fund such loans qualify for exemption  
3337 from federal income taxation, (2) providing for the maximum feasible  
3338 availability of such loans or deferred loans for dwelling units owned or  
3339 occupied by persons of low and moderate income, (3) establishing  
3340 procedures to inform such persons of the availability of such loans or  
3341 deferred loans and to encourage and assist them to apply for such  
3342 loans and (4) providing that (A) the interest payments received from  
3343 the recipients of loans or deferred loans, less the expenses incurred by  
3344 the commissioner in the implementation of the program of loans,  
3345 deferred loans and loan guarantees under this section, and (B) the  
3346 payments received from electric, electric distribution and gas  
3347 companies under subsection (f) of this section shall be applied to  
3348 reimburse the General Fund for interest on the outstanding bonds and  
3349 notes used to fund such loans or deferred loans.

3350 (f) Not later than August first, annually, the [commissioner]  
3351 Commissioner of Economic and Community Development shall  
3352 calculate the difference between (1) the weighted average of the  
3353 percentage rates of interest payable on all subsidized loans or deferred  
3354 loans made from the energy conservation loan program authorized  
3355 under sections 32-315 to 32-318, inclusive, and (2) the average of the  
3356 percentage rates of interest on any bonds and notes issued pursuant to  
3357 section 3-20, as amended, which have been dedicated to the energy  
3358 conservation loan program under sections 32-315 to 32-318, inclusive,  
3359 and used to fund such loans or deferred loans, and multiply such  
3360 difference by the outstanding amount of all such loans or deferred  
3361 loans, or such lesser amount as may be required under Section  
3362 103(b)(2) of the Internal Revenue Code of 1986, or any subsequent  
3363 corresponding internal revenue code of the United States, as from time  
3364 to time amended. The product of such difference and such applicable  
3365 amount shall not exceed six per cent of the sum of the outstanding  
3366 principal amount at the end of each fiscal year of all loans or deferred  
3367 loans made under the energy conservation loan program authorized  
3368 under sections 32-315 to 32-318, inclusive, and the balance remaining  
3369 in the energy conservation revolving loan account. Not later than  
3370 September first, annually, the Department of Public Utility Control  
3371 shall allocate such product among each electric, electric distribution  
3372 and gas company having at least seventy-five thousand customers, in  
3373 accordance with a formula taking into account, without limitation, the  
3374 average number of residential customers of each company. Not later  
3375 than October first, annually, each such company shall pay its assessed  
3376 amount to the commissioner. The commissioner shall pay to the State  
3377 Treasurer for deposit in the General Fund all such payments from  
3378 electric, electric distribution and gas companies, and shall adopt  
3379 procedures to assure that such payments are not used for purposes  
3380 other than those specifically provided in this section. The department  
3381 shall include each company's payment as an operating expense of the  
3382 company for the purposes of rate-making under section 16-19, as  
3383 amended by this act.



3384 Sec. 102. Section 16-245m of the 2006 supplement to the general  
3385 statutes is repealed and the following is substituted in lieu thereof  
3386 (*Effective July 1, 2006*):

3387 (a) (1) On and after January 1, 2000, the Department of Public Utility  
3388 Control shall assess or cause to be assessed a charge of three mills per  
3389 kilowatt hour of electricity sold to each end use customer of an electric  
3390 distribution company to be used to implement the program as  
3391 provided in this section for conservation and load management  
3392 programs but not for the amortization of costs incurred prior to July 1,  
3393 1997, for such conservation and load management programs.

3394 (2) Notwithstanding the provisions of this section, receipts from  
3395 such charge shall be disbursed to the resources of the General Fund  
3396 during the period from July 1, 2003, to June 30, 2005, unless the  
3397 department shall, on or before October 30, 2003, issue a financing order  
3398 for each affected electric distribution company in accordance with  
3399 sections 16-245e to 16-245k, inclusive, to sustain funding of  
3400 conservation and load management programs by substituting an  
3401 equivalent amount, as determined by the department in such financing  
3402 order, of proceeds of rate reduction bonds for disbursement to the  
3403 resources of the General Fund during the period from July 1, 2003, to  
3404 June 30, 2005. The department may authorize in such financing order  
3405 the issuance of rate reduction bonds that substitute for disbursement to  
3406 the General Fund for receipts of both the charge under this subsection  
3407 and under subsection (b) of section 16-245n, as amended by this act,  
3408 and also may, in its discretion, authorize the issuance of rate reduction  
3409 bonds under this subsection and subsection (b) of section 16-245n, as  
3410 amended by this act, that relate to more than one electric distribution  
3411 company. The department shall, in such financing order or other  
3412 appropriate order, offset any increase in the competitive transition  
3413 assessment necessary to pay principal, premium, if any, interest and  
3414 expenses of the issuance of such rate reduction bonds by making an  
3415 equivalent reduction to the charge imposed under this subsection,  
3416 provided any failure to offset all or any portion of such increase in the  
3417 competitive transition assessment shall not affect the need to

3418 implement the full amount of such increase as required by this  
3419 subsection and by sections 16-245e to 16-245k, inclusive. Such  
3420 financing order shall also provide if the rate reduction bonds are not  
3421 issued, any unrecovered funds expended and committed by the  
3422 electric distribution companies for conservation and load management  
3423 programs, provided such expenditures were approved by the  
3424 department after August 20, 2003, and prior to the date of  
3425 determination that the rate reduction bonds cannot be issued, shall be  
3426 recovered by the companies from their respective competitive  
3427 transition assessment or systems benefits charge but such expenditures  
3428 shall not exceed four million dollars per month. All receipts from the  
3429 remaining charge imposed under this subsection, after reduction of  
3430 such charge to offset the increase in the competitive transition  
3431 assessment as provided in this subsection, shall be disbursed to the  
3432 Energy Conservation and Load Management Fund commencing as of  
3433 July 1, 2003. Any increase in the competitive transition assessment or  
3434 decrease in the conservation and load management component of an  
3435 electric distribution company's rates resulting from the issuance of or  
3436 obligations under rate reduction bonds shall be included as rate  
3437 adjustments on customer bills.

3438 (b) The electric distribution company shall establish an Energy  
3439 Conservation and Load Management Fund which shall be held  
3440 separate and apart from all other funds or accounts. Receipts from the  
3441 charge imposed under subsection (a) of this section shall be deposited  
3442 into the fund. Any balance remaining in the fund at the end of any  
3443 fiscal year shall be carried forward in the fiscal year next succeeding.  
3444 Disbursements from the fund by electric distribution companies to  
3445 carry out the plan developed under subsection [(d)] (c) of this section  
3446 shall be authorized by the Department of Public Utility Control upon  
3447 its approval of such plan.

3448 [(c) The Department of Public Utility Control shall appoint and  
3449 convene an Energy Conservation Management Board which shall  
3450 include representatives of: (1) An environmental group knowledgeable  
3451 in energy conservation program collaboratives; (2) the Office of

3452 Consumer Counsel; (3) the Attorney General; (4) the Department of  
3453 Environmental Protection; (5) the electric distribution companies in  
3454 whose territories the activities take place for such programs; (6) a state-  
3455 wide manufacturing association; (7) a chamber of commerce; (8) a  
3456 state-wide business association; (9) a state-wide retail organization;  
3457 (10) a representative of a municipal electric energy cooperative created  
3458 pursuant to chapter 101a; (11) two representatives selected by the gas  
3459 companies in this state; and (12) residential customers. Such members  
3460 shall serve for a period of five years and may be reappointed.  
3461 Representatives of the gas companies shall not vote on matters  
3462 unrelated to gas conservation. Representatives of the electric  
3463 distribution companies and the municipal electric energy cooperative  
3464 shall not vote on matters unrelated to electricity conservation.]

3465 [(d)] (c) (1) The [Energy Conservation Management Board]  
3466 Department of Energy Policy and Development shall advise and assist  
3467 the electric distribution companies in the development and  
3468 implementation of a comprehensive plan, which plan shall be  
3469 approved by the Department of Public Utility Control, to implement  
3470 cost-effective energy conservation programs and market  
3471 transformation initiatives. The plan shall be consistent with the  
3472 comprehensive energy plan approved by the [Connecticut Energy  
3473 Advisory Board] Department of Energy Policy and Development  
3474 pursuant to section 16a-7a, as amended by this act, at the time of  
3475 submission to the department. Each program contained in the plan  
3476 shall be reviewed by the electric distribution company and either  
3477 accepted or rejected by the [Energy Conservation Management Board]  
3478 Department of Energy Policy and Development prior to submission to  
3479 the department for approval. The [Energy Conservation Management  
3480 Board] Department of Energy, Policy and Development shall, as part  
3481 of its review, examine opportunities to offer joint programs providing  
3482 similar efficiency measures that save more than one fuel resource or  
3483 otherwise to coordinate programs targeted at saving more than one  
3484 fuel resource. Any costs for joint programs shall be allocated equitably  
3485 among the conservation programs. The [Energy Conservation

3486 Management Board] Department of Energy Policy and Development  
3487 shall give preference to projects that maximize the reduction of  
3488 federally mandated congestion charges.

3489 (2) [There shall be a joint committee of the Energy Conservation  
3490 Management Board and the Renewable Energy Investments Advisory  
3491 Committee. The board and the advisory committee shall each appoint  
3492 members to such joint committee. The joint committee] The  
3493 Department of Energy Policy and Development shall examine  
3494 opportunities to coordinate the programs and activities funded by the  
3495 Renewable Energy Investment Fund pursuant to section 16-245n, as  
3496 amended by this act, with the programs and activities contained in the  
3497 plan developed under this subsection to reduce the long-term cost,  
3498 environmental impacts and security risks of energy in the state. [Such  
3499 joint committee shall hold its first meeting on or before August 1,  
3500 2005.]

3501 (3) Programs included in the plan developed under subdivision (1)  
3502 of this subsection [(d) of this section] shall be screened through cost-  
3503 effectiveness testing which compares the value and payback period of  
3504 program benefits to program costs to ensure that programs are  
3505 designed to obtain energy savings and system benefits, including  
3506 mitigation of federally mandated congestion charges, whose value is  
3507 greater than the costs of the programs. Cost-effectiveness testing shall  
3508 utilize available information obtained from real-time monitoring  
3509 systems to ensure accurate validation and verification of energy use.  
3510 Program cost-effectiveness shall be reviewed annually, or otherwise as  
3511 is practicable. If a program is determined to fail the cost-effectiveness  
3512 test as part of the review process, it shall either be modified to meet the  
3513 test or shall be terminated. On or before March 1, 2005, and on or  
3514 before March first annually thereafter, the [board] Department of  
3515 Energy Policy and Development shall provide a report, in accordance  
3516 with the provisions of section 11-4a, to the joint standing committees of  
3517 the General Assembly having cognizance of matters relating to energy  
3518 and the environment (A) that documents expenditures and fund  
3519 balances and evaluates the cost-effectiveness of such programs

3520 conducted in the preceding year, and (B) that documents the extent to  
3521 and manner in which the programs of such board collaborated and  
3522 cooperated with programs, established under section 7-233y, as  
3523 amended by this act, of municipal electric energy cooperatives. To  
3524 maximize the reduction of federally mandated congestion charges,  
3525 programs in the plan may allow for disproportionate allocations  
3526 between the amount of contributions to the Energy Conservation and  
3527 Load Management Funds by a certain rate class and the programs that  
3528 benefit such a rate class. [Before conducting such evaluation, the board  
3529 shall consult with the Renewable Energy Investments Advisory  
3530 Committee.] The report shall include a description of the activities  
3531 undertaken during the reporting period jointly or in collaboration with  
3532 the Renewable Energy Investment Fund established pursuant to  
3533 subsection (c) of section 16-245n, as amended by this act.

3534 (4) Programs included in the plan developed under subdivision (1)  
3535 of this subsection [(d) of this section] may include, but not be limited  
3536 to: (A) Conservation and load management programs, including  
3537 programs that benefit low-income individuals; (B) research,  
3538 development and commercialization of products or processes which  
3539 are more energy-efficient than those generally available; (C)  
3540 development of markets for such products and processes; (D) support  
3541 for energy use assessment, real-time monitoring systems, engineering  
3542 studies and services related to new construction or major building  
3543 renovation; (E) the design, manufacture, commercialization and  
3544 purchase of energy-efficient appliances and heating, air conditioning  
3545 and lighting devices; (F) program planning and evaluation; (G) indoor  
3546 air quality programs relating to energy conservation; (H) joint fuel  
3547 conservation initiatives programs targeted at reducing consumption of  
3548 more than one fuel resource; and (I) public education regarding  
3549 conservation. Such support may be by direct funding, manufacturers'  
3550 rebates, sale price and loan subsidies, leases and promotional and  
3551 educational activities. The plan shall also provide for expenditures by  
3552 the [Energy Conservation Management Board] Department of Energy  
3553 Policy and Development for the retention of expert consultants and

3554 reasonable administrative costs provided such consultants shall not be  
3555 employed by, or have any contractual relationship with, an electric  
3556 distribution company. Such costs shall not exceed five per cent of the  
3557 total revenue collected from the assessment.

3558     ~~[(e)]~~ (d) Notwithstanding the provisions of subsections (a) to ~~[(d)]~~  
3559 ~~(c)~~, inclusive, of this section, the Department of Public Utility Control  
3560 shall authorize the disbursement of a total of one million dollars in  
3561 each month, commencing with July, 2003, and ending with July, 2005,  
3562 from the Energy Conservation and Load Management Funds  
3563 established pursuant to said subsections. The amount disbursed from  
3564 each Energy Conservation and Load Management Fund shall be  
3565 proportionately based on the receipts received by each fund. Such  
3566 disbursements shall be deposited in the General Fund.

3567     ~~[(f)]~~ (e) No later than December 31, 2006, and no later than  
3568 December thirty-first every five years thereafter, the [Energy  
3569 Conservation Management Board shall, after consulting with the  
3570 Renewable Energy Investments Advisory Committee,] Department of  
3571 Energy Policy and Development shall conduct an evaluation of the  
3572 performance of the programs and activities of the fund and submit a  
3573 report, in accordance with the provisions of section 11-4a, of the  
3574 evaluation to the joint standing committee of the General Assembly  
3575 having cognizance of matters relating to energy.

3576     ~~[(g)]~~ (f) Notwithstanding the provisions of subsections (a) to ~~[(d)]~~  
3577 ~~(c)~~, inclusive, of this section, the Department of Public Utility Control  
3578 shall authorize the disbursement of a total of one million dollars in  
3579 each month, commencing with August 1, 2006, and ending with July  
3580 31, 2007, from the Energy Conservation and Load Management Funds  
3581 established pursuant to said subsections. The amount disbursed from  
3582 each Energy Conservation and Load Management Fund shall be  
3583 proportionately based on the receipts received by each fund. Such  
3584 disbursements shall be deposited in the General Fund.

3585     Sec. 103. Subsection (c) of section 7-233y of the 2006 supplement to

3586 the general statutes is repealed and the following is substituted in lieu  
3587 thereof (*Effective July 1, 2006*):

3588 (c) Such cooperative shall, annually, adopt a comprehensive plan for  
3589 the expenditure of such funds by the cooperative on behalf of such  
3590 municipal electric utilities for the purpose of carrying out electric  
3591 conservation, investments in renewable energy sources, energy  
3592 efficiency and electric load management programs funded by the  
3593 charge accrued pursuant to subsection (a) of this section. The  
3594 cooperative shall expend or cause to be expended the amounts held in  
3595 such fund in conformity with the adopted plan. The plan may direct  
3596 the expenditure of funds on facilities or measures located in any one or  
3597 more of the service areas of the municipal electric utilities who are  
3598 members or participants in such cooperative and may provide for the  
3599 establishment of goals and standards for measuring the cost  
3600 effectiveness of expenditures made from such fund, for the  
3601 minimization of federally mandated congestion charges and for  
3602 achieving appropriate geographic coverage and scope in each such  
3603 service area. Such plan shall be consistent with the comprehensive  
3604 plan of the [Energy Conservation Management Board] Department of  
3605 Energy Policy and Development established under section 16-245m, as  
3606 amended by this act. Such cooperative, annually, shall submit its plan  
3607 to such board for review.

3608 Sec. 104. Subsection (c) of section 16-32f of the 2006 supplement to  
3609 the general statutes is repealed and the following is substituted in lieu  
3610 thereof (*Effective July 1, 2006*):

3611 (c) (1) The [Energy Conservation Management Board, established  
3612 pursuant to section 16-245m,] Department of Energy Policy and  
3613 Development shall advise and assist each such gas company in the  
3614 development and implementation of the plan submitted under  
3615 subsection (b) of this section. Each program contained in the plan shall  
3616 be reviewed by each such gas company and shall be either accepted,  
3617 modified or rejected by the [Energy Conservation Management Board]  
3618 Department of Energy Policy and Development before submission of

3619 the plan to the department for approval. The [Energy Conservation  
3620 Management Board] Department of Energy Policy and Development  
3621 shall, as part of its review, examine opportunities to offer joint  
3622 programs providing similar efficiency measures that save more than  
3623 one fuel resource or to otherwise coordinate programs targeted at  
3624 saving more than one fuel resource. Any costs for joint programs shall  
3625 be allocated equitably among the conservation programs.

3626       (2) Programs included in the plan shall be screened through cost-  
3627 effectiveness testing that compares the value and payback period of  
3628 program benefits to program costs to ensure that the programs are  
3629 designed to obtain gas savings whose value is greater than the costs of  
3630 the program. Program cost-effectiveness shall be reviewed annually by  
3631 the department, or otherwise as is practicable. If the department  
3632 determines that a program fails the cost-effectiveness test as part of the  
3633 review process, the program shall either be modified to meet the test  
3634 or shall be terminated. On or before January 1, 2007, and annually  
3635 thereafter, the board shall provide a report, in accordance with the  
3636 provisions of section 11-4a, to the joint standing committees of the  
3637 General Assembly having cognizance of matters relating to energy and  
3638 the environment, that documents expenditures and funding for such  
3639 programs and evaluates the cost-effectiveness of such programs  
3640 conducted in the preceding year, including any increased cost-  
3641 effectiveness owing to offering programs that save more than one fuel  
3642 resource.

3643       (3) Programs included in the plan may include, but are not limited  
3644 to: (A) Conservation and load management programs, including  
3645 programs that benefit low-income individuals; (B) research,  
3646 development and commercialization of products or processes that are  
3647 more energy-efficient than those generally available; (C) development  
3648 of markets for such products and processes; (D) support for energy use  
3649 assessment, engineering studies and services related to new  
3650 construction or major building renovations; (E) the design,  
3651 manufacture, commercialization and purchase of energy-efficient  
3652 appliances, air conditioning and heating devices; (F) program planning



3653 and evaluation; (G) joint fuel conservation initiatives and programs  
3654 targeted at saving more than one fuel resource; and (H) public  
3655 education regarding conservation. Such support may be by direct  
3656 funding, manufacturers' rebates, sale price and loan subsidies, leases  
3657 and promotional and educational activities. The plan shall also provide  
3658 for expenditures by the [Energy Conservation Management Board]  
3659 Department of Energy Policy and Development for the retention of  
3660 expert consultants and reasonable administrative costs, provided such  
3661 consultants shall not be employed by, or have any contractual  
3662 relationship with, a gas company. Such costs shall not exceed five per  
3663 cent of the total cost of the plan.

3664 Sec. 105. Subsection (b) of section 16-243s of the 2006 supplement to  
3665 the general statutes is repealed and the following is substituted in lieu  
3666 thereof (*Effective July 1, 2006*):

3667 (b) Not later than January 31, 2007, and annually thereafter ending  
3668 after January 31, 2011, or ending on such later date specified by the  
3669 department, each electric distribution company shall report to the  
3670 [Energy Conservation Management Board] Department of Energy  
3671 Policy and Development on such company's activities under this  
3672 section.

3673 Sec. 106. Section 16-245z of the 2006 supplement to the general  
3674 statutes is repealed and the following is substituted in lieu thereof  
3675 (*Effective July 1, 2006*):

3676 Not later than October 1, 2005, the Department of Public Utility  
3677 Control and the [Energy Conservation Management Board, established  
3678 in section 16-245m,] Department of Energy Policy and Development  
3679 shall establish links on their Internet web sites to the Energy Star  
3680 program or successor program that promotes energy efficiency and  
3681 each electric distribution company shall establish a link under its  
3682 conservation programs on its Internet web site to the Energy Star  
3683 program or such successor program.

3684 Sec. 107. Subdivision (5) of subsection (c) of section 16-244c of the

2006 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

(5) Each bidder for a standard service contract shall submit its bid to the electric distribution company and the third-party entity who shall jointly review the bids and submit an overview of all bids together with a joint recommendation to the department as to the preferred bidders. The department may, within ten business days of submission of the overview, reject the recommendation regarding preferred bidders. In the event that the department rejects the preferred bids, the electric distribution company and the third-party entity shall rebid the service pursuant to this subdivision. Upon approval of the preferred bids by the department, the authority shall transfer the contracts to the respective electric distribution company. Successful bids received by the authority during the procurement process shall be available for public review six months after department approval.

Sec. 108. (*Effective July 1, 2006*) (a) The Department of Public Utility Control shall conduct a contested case, in accordance with chapter 54 of the general statutes, to establish the principles and standards to be used in developing and issuing a request for proposals for eligible generation pursuant to this section. For purposes of this section, "eligible generation" means an electric generating facility that is located in the state, uses energy resources other than natural gas, oil and nuclear power, and meets relevant air and water quality standards of the Department of Environmental Protection or an electric generating wind facility located in the New York, Pennsylvania, New Jersey, Maryland, Delaware or the New England states. The department shall complete such contested case on or before January 1, 2007.

(b) On or before February 1, 2007, the department shall conduct a proceeding to develop and issue a request for proposals to solicit the development of two thousand megawatts of new, expanded or repowered electric generation or electric capacity, including baseload, peaking, renewable and demand response electric power. Such request for proposals shall encourage responses from a variety of resource

3718 types and encourage diversity in the fuel mix used in generation. An  
3719 electric distribution company may submit proposals pursuant to this  
3720 subsection on the same basis as other respondents to the solicitation. A  
3721 proposal submitted by an electric distribution company shall include  
3722 its full projected costs such that any project costs recovered from or  
3723 defrayed by ratepayers are included in the projected costs. An electric  
3724 distribution company submitting a bid under this subsection shall  
3725 demonstrate to the satisfaction of the department that its bid is not  
3726 supported in any form of cross subsidization by affiliated entities. If  
3727 such electric distribution company's proposal is approved pursuant to  
3728 this section, the costs and revenues of such proposal shall not be  
3729 included in calculating such company's earnings for purposes of, or in  
3730 determining whether its rates are just and reasonable under sections  
3731 16-19 of the general statutes, as amended by this act, 16-19a and 16-19e  
3732 of the general statutes, as amended by this act. Electric distribution  
3733 companies shall not recover more than the full costs identified in the  
3734 proposals, as approved under this section. Affiliates of the electric  
3735 distribution company may submit proposals consistent with section  
3736 16-244h of the general statutes, regulations adopted under said section  
3737 16-244h and other requirements the department may impose. The  
3738 department may request from a person submitting a proposal further  
3739 information, that the department determines to be in the public  
3740 interest, to be used in evaluating the proposal.

3741 (c) The department shall publish such request for proposals in one  
3742 or more newspapers or periodicals, as selected by the department, and  
3743 shall post such request for proposals on its web site. The department  
3744 may retain the services of a third-party entity with expertise in the area  
3745 of energy procurement to oversee the development of the request for  
3746 proposals and to assist the department in its approval of proposals  
3747 pursuant to this section. The reasonable and proper expenses for  
3748 retaining such third-party entity shall be recoverable through federally  
3749 mandated congestion charges, as defined in section 16-1 of the 2006  
3750 supplement to the general statutes, which charges the department shall  
3751 allocate to electric distribution companies in proportion to their

3752 revenue.

3753 (d) Any person, other than an electric distribution company,  
3754 submitting a proposal pursuant to this section shall include with its  
3755 proposal a draft of a contract that includes the transfer to the electric  
3756 distribution company of all the rights to the installed capacity,  
3757 including, but not limited to, forward reserve capacity, locational  
3758 forward reserve capacity and similar rights associated with such  
3759 proposal, provided such rights shall not include energy. No such draft  
3760 of a contract shall have a term exceeding fifteen years. Such draft  
3761 contract shall include such provisions as the Department of Public  
3762 Utility Control directs.

3763 (e) The department shall, on or before May 1, 2007, evaluate such  
3764 proposals received pursuant to this section and may approve one or  
3765 more of such proposals. The department shall evaluate the bids based  
3766 on fuel diversity, price stability, speed of implantation, federally  
3767 mandated congestion charge mitigation, capital cost and  
3768 environmental sustainability.

3769 (f) An electric distribution company shall negotiate in good faith the  
3770 final terms of the draft contract, and shall apply to the department for  
3771 approval of each such contract. After thirty days, either party may  
3772 request the assistance of the department to resolve any outstanding  
3773 issues. No such contract may become effective without approval of the  
3774 department. The department shall hold a hearing that shall be  
3775 conducted as a contested case, in accordance with the provisions of  
3776 chapter 54 of the general statutes, to approve, reject or modify an  
3777 application for approval of a capacity purchase contract. Such a  
3778 contract shall contain terms that mitigate the long-term risk assumed  
3779 by ratepayers. No contract approved by the department shall have a  
3780 term exceeding fifteen years.

3781 (g) Projects approved pursuant to this subsection are eligible for  
3782 expedited siting pursuant to subsection (a) of section 16-50k of the 2006  
3783 supplement to the general statutes. The provisions of section 16a-7c of

3784 the general statutes shall not apply to projects approved pursuant to  
3785 this section.

3786 Sec. 109. (*Effective July 1, 2006*) Not later than September 1, 2007, if  
3787 the Department of Public Utility Control does not receive and approve  
3788 bids pursuant to the request for proposal process pursuant to section  
3789 108 of this act sufficient to reach the two thousand megawatt goal set  
3790 by said section 108, the Department of Energy Policy and Development  
3791 shall conduct a contested case proceeding, in accordance with chapter  
3792 54 of the general statutes, to develop a plan to serve as the builder of  
3793 last resort for the shortfall of megawatts from said request for proposal  
3794 process.

3795 Sec. 110. (*Effective July 1, 2006*) The following sum is appropriated  
3796 for the fiscal year ending June 30, 2007:

T1	DEPARTMENT OF ENERGY POLICY	
T2	AND DEVELOPMENT	
T3	Personal Services	688,900
T4	Other Expenses	141,100
T5	Equipment	20,000
T6	AGENCY TOTAL	850,000

3797 Sec. 111. Subdivision (16) of subsection (d) of section 2c-2b, and  
3798 sections 4-67e, 16-11a, 16-261a, 16a-1, 16a-3, 16a-8 and 16a-14 of the  
3799 general statutes are repealed. (*Effective July 1, 2006*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2006</i>	4-5
Sec. 2	<i>July 1, 2006</i>	4d-90(a)
Sec. 3	<i>July 1, 2006</i>	7-244j
Sec. 4	<i>July 1, 2006</i>	7-244k
Sec. 5	<i>July 1, 2006</i>	16-1(a)(1) and (2)
Sec. 6	<i>July 1, 2006</i>	16-1b

Sec. 7	July 1, 2006	16-2
Sec. 8	July 1, 2006	16-2a(b) and (c)
Sec. 9	July 1, 2006	16-2c
Sec. 10	July 1, 2006	16-3
Sec. 11	July 1, 2006	16-4
Sec. 12	July 1, 2006	16-19(a)
Sec. 13	July 1, 2006	16-19e(b)
Sec. 14	July 1, 2006	16-19j(a)
Sec. 15	July 1, 2006	16-19ss(a)
Sec. 16	July 1, 2006	16-50j(b)
Sec. 17	July 1, 2006	16a-3(a)
Sec. 18	July 1, 2006	16a-23t(f)
Sec. 19	July 1, 2006	21a-86a
Sec. 20	July 1, 2006	21a-86c(a)
Sec. 21	July 1, 2006	22a-66k(a)
Sec. 22	July 1, 2006	22a-198(f)
Sec. 23	July 1, 2006	22a-354i(b)
Sec. 24	July 1, 2006	22a-354w
Sec. 25	July 1, 2006	22a-371(d)
Sec. 26	July 1, 2006	25-32b
Sec. 27	July 1, 2006	25-32d
Sec. 28	July 1, 2006	25-32i
Sec. 29	July 1, 2006	25-33o(a)
Sec. 30	July 1, 2006	25-157
Sec. 31	July 1, 2006	28-24(c)
Sec. 32	July 1, 2006	New section
Sec. 33	July 1, 2006	New section
Sec. 34	July 1, 2006	New section
Sec. 35	July 1, 2006	New section
Sec. 36	July 1, 2006	New section
Sec. 37	July 1, 2006	4-38c
Sec. 38	July 1, 2006	4-65a(a)
Sec. 39	July 1, 2006	4a-57(e)(2)
Sec. 40	July 1, 2006	8-37jj
Sec. 41	July 1, 2006	13a-110a(f)
Sec. 42	July 1, 2006	16-6b
Sec. 43	July 1, 2006	16-19e(c) and (d)
Sec. 44	July 1, 2006	16-32f(c)(2)
Sec. 45	July 1, 2006	16-50l(a)(3)
Sec. 46	July 1, 2006	16-243k

Sec. 47	July 1, 2006	16-243m(m)
Sec. 48	July 1, 2006	16-244d(b)
Sec. 49	July 1, 2006	16-245l(a)
Sec. 50	July 1, 2006	16-245m(d)
Sec. 51	July 1, 2006	16-245m(f)
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**ET**        *Joint Favorable Subst.*

**PD**        *Joint Favorable*

**APP**       *Joint Favorable*

**GAE**       *Joint Favorable*